

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29374 of 2023

Arising Out of PS. Case No.-84 Year-2022 Thana- KANHauli District- Sitamarhi

Sunil Rai @ Sunil Yadav, Son of Binod Ray, Resident of Village- Ladkwa,
P.S.- Kanhauli, Distt- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Kanhauli P.S. Case No.84 of 2022 registered for the
offences punishable under Sections 414 read with 34 of the
Indian Penal Code and Section 21(b) of the Narcotic Drugs and
Psychotropic Substances Act as well as Section 26 of the Arms
Act.

3. The accused/petitioner is named in the FIR and is
in custody since 17.01.2023.

4. Allegation against this petitioner is to habitually
deal in stolen articles and also found in possession of narcotic
substances i.e. codein along with other co-accused persons.

5. It is submitted by learned counsel that there is no
recovery of any contraband from this petitioner and his name



appears in this FIR on the basis of disclosure made by FIR named co-accused persons, namely, Sunil Kumar Yadav. It is further submitted that even as per disclosure of co-accused Sunil Kumar Yadav the maximum allegation what appears against this petitioner is to have in possession of one live cartridge, which was alleged to be recovered from the car which was used in crime in question. It is submitted that said Sunil Kumar Yadav has already granted bail by one of the learned co-ordinate Bench of this Court vide order dated 11.08.2022 passed in Cr. Misc. No.37443 of 2022. While concluding argument, it is submitted that the petitioner found involved in three more criminal cases, where he is on bail and moreover investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as nothing incriminating appears to be recovered from possession of this petitioner, where his implication appears out of disclosure made by apprehended co-accused Sunil Kumar Yadav, coupled with



the fact that charge-sheet has already submitted, where petitioner is in custody since 17.01.2023, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.D.P.S. Act, Sitamarhi in connection with Kanhauli P.S. Case No.84 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in any nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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