

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32723 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- DANAPUR RAIL P.S. District- Patna

SUNNY KUMAR Son of Krishna Prasad Resident of village - Raghopur, P.O
and P.S. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prasoon Kumar, Advocate
For the Informant	:	Mrs. Prativa Kumari, Advocate
For the State	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 01-12-2023 Heard Mr. Prasoon Kumar, learned counsel for the petitioner, Mrs. Prativa Kumari, learned counsel appearing on behalf of the Informant and Mr. Manoj Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 14.12.2022, in connection with Rail P.S. (Danapur) Case No. 183 of 2022, F.I.R. dated 27.11.2022 registered for the offences punishable under Sections 341, 323, 324, 326, 337, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The petitioner along with others are alleged to have opened fire upon the informant causing him bullet injury on his thigh.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the



present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of CCTV footage and it has also come during investigation that co-accused Sunny Kumar who has fired upon the victim and the petitioner was only accompanied with the co-accused person. He further submits that there is no accusation of assault or overt attributed against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.12.2022.

5. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, on the basis of material available on record as well as case diary, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was involved in the present crime in question and he was seen in the CCTV footage and apart from the aforesaid the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in the pending case.

6. Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned Railway Magistrate, Patna in connection with Rail P.S. (Danapur) Case No. 183 of 2022, subject to the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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