

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34304 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- DHURAIYA District- Banka

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SUNNI KUMAR YADAV, SON OF DILIP YADAV RESIDENT OF
VILLAGE- MAHILA, PS- DHORAIYA, DISTT- BANKA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Davendra Kumar Pandey
For the State	:	Mr.Sunil Kumar Pandey
For the informant	:	Mr.Satish Chandra Mishra

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner seeks bail in connection with Dhoraiya
P.S. Case No. 06/2023 registered for the offences punishable
under Sections 302, 201, 120(B) of the Indian Penal Code.

As per prosecution case, petitioner conspired with
others committed murder of the informant's son. It is alleged
that dead body of the informant's son was lying in pond near
Kharwaha field. FIR lodged against unknown.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 18.01.2023
and bears no criminal antecedent. Petitioner is not named in the
FIR, during course of investigation, on the basis of suspicion the



police has implicated the petitioner in this case without any cogent material. Except suspicion there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that there is no eye witness of the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the prayer for bail of the petitioner and submit that petitioner has confessed his guilt and involvement in the present case.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S.



Case No. 06/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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