

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43335 of 2022

Arising Out of PS. Case No.-523 Year-2021 Thana- DANAPUR District- Patna

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SUNIL KUMAR @ BABLU SINGH @ SUNIL KUMAR SINHA @
SUNEEL KUMAR S/O LATE RAM VIJAY SINGH @ RAN VIJAY SINGH
Resident of village- Bhatti Road, Janakdhari lal Road, P.S.- Danapur, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, while the informant
was returning back to his house, he received information that his
son namely, Jitu @ Jitendra Goswami has been shot dead.
Thereafter he went to the place of occurrence and inquired about
the occurrence from one Prince Kumar, who told him that while



he along with the deceased coming back after eating chowmin, they met with Rinku Singh and two unknown friends of Rinku Singh. It is further alleged that deceased stayed with Rinku Singh and told Prince to go home and after some time Prince heard about the occurrence, after which he came at the place of occurrence and found that Rinku and his friends are not there. It is alleged that the son of Rinku Singh was murdered in January month and Rinku was under belief that Jitu was involved in it. He claimed that Rinku Singh and his two associates together shot and killed his son Jitu.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of re-statement of the informant. He further submits that except the suspicion, no other cogent material has come during investigation against the petitioner. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than



the present one.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with S.Tr. No.798 of 2021, arising out of Danapur P.S. Case No. 523 of 2021, 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 witnesses, 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 antecedent, 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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