

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69451 of 2022

Arising Out of PS. Case No.-511 Year-2020 Thana- PAROO District- Muzaffarpur

SUNIL NUTT Son of Sohan Nutt Resident of Village- Bahlolpur, P.S.-Paroo,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

According to prosecution case, there is allegation
against the petitioner that he along with other co-accused
persons assaulted the husband of the informant due to which her
husband died on the spot.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and has committed no offence
and he has falsely been implicated in the present case. He
further submits that the informant is not an eyewitness of the
alleged occurrence and it appears from the F.I.R. that there is no
specific allegation of any assault or overt act rather there is



general and omnibus allegation against all the accused persons including the petitioner. He further submits that the allegation as alleged in the F.I.R. is not supported by the medical evidence and the similarly situated co-accused persons, namely, Ashok Paswan has been granted bail vide order dated 18.01.2022 passed in 22832 of 2021, co-accused namely, Saroj Paswan has been granted bail vide order dated 02.02.2022 passed in Cr. Misc. No. 43158 of 2021, co-accused namely, Dharmendar Nut has been granted bail vide order dated 07.04.2022 passed in Cr. Misc. No. 47108 of 2021, co-accused namely, Bhuwan Nut and Mohan Nut have been granted bail vide order dated 07.04.2022 passed in Cr. Misc. No. 47121 of 2021 and co-accused namely, Sohan Nut has been granted bail by a co-ordinate Bench of this Court vide order dated 06.07.2022 passed in Cr. Misc. No. 47707 of 2021 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.01.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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. 34/2022, arising out of Paroo P.S. Case No. 511/2020, 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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