

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74015 of 2022

Arising Out of PS. Case No.-215 Year-2017 Thana- RAXAUL District- East Champaran

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SUMIT KUMAR @ SUMIT KUMAR SINGH @ RAJTILAK SINGH @
RAJ TILAK S/O ASHOK SINGH R/v- Tajiyaapur, P.S.- Pipra, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Raxaul P.S.
Case No. 215 of 2017 registered for the offence under Sections
307, 324, 34 and 120(B) of the Indian Penal Code and Section 27
of the Arms Act. Charge sheet has been submitted under Sections
307, 120B, 324 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

Four unidentified miscreants are alleged to have
entered in to the premises of the school of the informant and
started indiscriminate firing as a result of which two bus drivers
have sustained bullet injuries.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in



this case. He further submits that the petitioner has not been named in the F.I.R. but during course of investigation his name transpired in this case merely on the basis of confessional statement of the co-accused persons. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that even the cctv footage does not disclose the identity of the petitioner suggesting his involvement in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the petitioner has been arrested in connection with Pipra P.S. Case No. 275 of 2020 and has been remanded in this case on 19.05.2022 since then he is rotting in judicial custody.

A report with regard to present stage of the trial has been called for by this Court vide order dated 05.05.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that the accused has not been produced physically despite various dates. Since the case is triable by the Court of Sessions, the case is not committed to the Court of session due to non production of the accused. It also reveals that no any witness has been examined as yet.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not



likely to be concluded in near future and the petitioner is languishing in judicial custody since 19.05.2022 i.e more than one year.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries twenty three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned S.D.J.M., Raxaul, Motihari, East Champaran in connection with Raxaul P.S. Case No. 215 of 2017 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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