

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20135 of 2024

Arising Out of PS. Case No.-467 Year-2020 Thana- KHAIRA District- Jamui

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SUNIL YADAV @ SUNIL KUMAR Son of Gendo Yadav Resident of Vill-
Thansingdih, P.S.-Lokai Nayanpur, Dist-Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma
		Mr. Akash Raj
		Mr. Arun Bharti
For the Opposite Party/s :		Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Khaira P.S. Case No. 467/2020 lodged on 02.11.2020 under
Section 147, 148, 149, 323, 376, 511, 379, 302 and 120B of the
of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against six named accused persons including the present
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that petitioner has been granted bail by the Sessions
Court itself when case was heard on merit on condition that the



petitioner shall have to appear on every date and on failure of appearance in two consecutive dates shall entail the petitioner's bail bond to be canceled. Counsel submits that due to his personal problem, petitioner could not appear on the date of adducing evidence, instead thereof, application under section 317 of Cr.P.C. was filed, but counsel failed to appear and bail bonds of the petitioner got canceled. Learned counsel for the petitioner submits that the petitioner has opted to surrender before the Court below on 08.09.2023, and thereafter, moved for fresh bail, but unfortunately his bail application was dismissed on 11.01.2024. Counsel submits that basically it is the case of misuse and petitioner is ready to fulfill all the conditions whatsoever shall be imposed. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are 3 cases pending against him in which he is on bail in two cases and in one case, he is persuading for bail. The petitioner is in custody since 08.09.2023. Counsel further submits that petitioner is ready to give undertaking that he shall appear on each and every date before the Court below.

5. Learned APP for the State opposes the prayer for bail and submits that in the rejection order, it has been acknowledged by the Court that the petitioner was deliberately



not appearing in the Court below since long in-spite of the information that he shall have to appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named by granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Learned Additional Sessions Judge-I, Jamui in connection with Khaira P.S. Case No. 467/2020 subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- Lokaynayanpur P.S. Case No. 08/2012
- Lokaynayanpur P.S. Case No. 08/2010
- Tisri P.S. Case No. 111/2022

(Dr. Anshuman, J)

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