

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32107 of 2024

Arising Out of PS. Case No.-195 Year-2017 Thana- BARH District- Patna

Sunil Ram @ Sunil Kumar son of Late Nathun Mehra Village- Pothma Par
Ps- Barh Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
For the State	:	Ms. Suman Kumari Singh, APPS

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-07-2024 Heard Mr. Manoj Kumar Pandey, learned counsel for
the petitioner and Ms. Suman Kumari Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barh P.S. Case No. 195 of 2017, F.I.R. dated 09.07.2017 for the offences punishable under Sections 341, 323, 324, 307 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons forcibly tried to enter into the girls school and when the informant raised protest they assaulted him by means of *lathi*, *danda* and sharp cutting weapon due to which he sustained injury and fell down.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated



in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that there is no allegation of any assault or overt act attributed against the petitioner rather general and omnibus allegation against all the accused persons including the petitioner in fact that petitioner and informant are full brothers and due to some land dispute the informant has implicated to the petitioner in the present case. He further submits that other co-accused person, namely, Vishnu Kumar has already been granted bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 12736 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent, there is no accusation of any assault or overt act attributed against the petitioner and co-accused persons have already been granted bail by this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 A.C.J.M. I, Barh, Patna in connection with Barh P.S. Case No. 195 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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