

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81980 of 2023

Arising Out of PS. Case No.-428 Year-2019 Thana- PIPRA District- East Champaran

Sumit Kumar @ Sumit Kumar Singh @ Raj Tilak Son Of Ashok Singh R/O
Vill - Tajiyapur, P.S. - Pipra, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2024 Heard Mr. Abhishek Kumar, learned counsel for the
petitioner and Mr. Bhanu Pratap Singh, learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 199 of 2022 arising out of Pipra P.S. Case No.428 of 2019, FIR dated 15.12.2019 for the offences punishable under Sections 302, 201, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the prayer for bail of the petitioner was rejected vide order dated 20.03.2023 passed in Cr. Misc. No. 32453 of 2022.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and the name of the petitioner has been transpired on the basis of the self confessional statement of the petitioner. He further



submits that except the aforesaid, no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence.

5. Vide order dated 15.12.2023, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 09.01.2024 reveals that out of seven charge-sheeted witnesses, no prosecution witness has been examined as yet.

6. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has confessed his guilt in the present occurrence and apart from that the petitioner carries twenty-two cases other than the present one but fairly submits on the basis of the supplementary affidavit filed on behalf of the petitioner that out of twenty-two cases the petitioner is on bail in nineteen cases.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.06.2021.

8. Considering the aforesaid facts and circumstances and the period of custody as well as report of the learned Trial Court, 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 19th Additional Sessions Judge, Motihari, East Champaran in connection with Sessions Trial No. 199 of 2022 arising out of Pipra P.S. Case No. 428 of 2019 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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