

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11529 of 2025

Arising Out of PS. Case No.-1539 Year-2022 Thana- PHULWARISHARIF District- Patna

Sunny Kumar @ Awadhesh Kumar S/o- Rajesh Rai @ Rajesh Gop @ Nakata
Gope @ Rajeshwar Rai R/o- Patipul Digha Ps- Digha Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akhauri Kamal Kishore Sahay, Adv. Mr. Rahul Raj, Adv.
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 20-08-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Phulwarisharif P.S. Case No. 1539 of 2022 dated 14.12.2022 registered for the offences punishable u/ss 396 and 397 of the Indian Penal Code and Section 27 of the Arms Act and the charge-sheet has been submitted u/ss 396, 397, 412 and 413 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, six unknown miscreants are alleged to have fired on the informant's friend, his father and his brother and during treatment the informant's friend Rajeev Ranjan died.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused, Mithlesh Kumar @ Chibla @ Mithilesh Kumar @ Chiula, who has already been granted regular bail by this Court vide order dated 18.10.2023 passed in Cr. Misc. No. 67677 of 2023. There is no specific allegation against the petitioner rather the allegation of firing against the petitioner is general and omnibus in nature. The petitioner has no concern with the alleged offence. The petitioner has six other criminal antecedent, in which one case is related to the offence u/s 302 of the IPC and he is on bail in all cases as stated in para 3 of the bail petition. The petitioner is in custody in this case since 19.03.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Patna in connection with Phulwarisharif P.S. Case No. 1539 of 2022, with the following conditions:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

(ii) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(iii) One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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