

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19414 of 2025

Arising Out of PS. Case No.-557 Year-2022 Thana- DIGHA District- Patna

Sunny Kumar @ Sunny Rai @ Awadhesh Kumar Son of Rajesh Rai @ Rajesh
Gop @ Nakata Gope @ Rajeshwar Rai @ Nakat Rai Resident of Palipul
Digha, P.S. - Digha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Raj, Advocate Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Mohammed Minnatullah, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-08-2025 Heard Mr. Rahul Raj, learned counsel for the
petitioner, Mr. Mohammed Minnatullah, learned counsel
appearing on behalf of the informant as well as Mr. Rabindra
Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.04.2023 in connection with S.T. No. 846 of 2023 arising out
of Digha P.S. Case No. 557 of 2022, F.I.R. dated 22.08.2022 for
the offences punishable under Sections 379, 307 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, this petitioner along
with other accused persons intercepted the informant and looted
Rs. Two lakhs and his motorcycle and fled away. It is further



alleged that informant's neighbor also sustained gun shot injury and the informant's father was also killed by the same miscreants back in the year 2018.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. The trial has begun as Sessions Trial No. 846 of 2023 and number of witnesses have been examined by the learned Trial Court. P.W.-1, namely, Chandan Kumar has been examined and he has not supported the prosecution case and P.W.-2 who is informant in the present case has also been examined and he has also not supported the case of the prosecution and both the witnesses have been made hostile by the learned Trial Court. He further submits that similarly situated, co-accused, namely, Abhishek Kumar and Govinda Kumar have been granted regular bail by this Court vide order dated 01.08.2023 passed in Cr. Misc. No. 38806 of 2023 and another co-accused, namely, Niraj Paswan @ Niraj Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 12.05.2023 passed in Cr. Misc. No. 13324 of 2023. The petitioner is in custody since



06.04.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 16 criminal antecedents other than the present one but fairly submits on the basis of second supplementary affidavit filed on behalf of the petitioner that the petitioner is on bail in 13 cases, in one case he has been acquitted by the learned Trial Court and rest 2 cases are pending before the competent court.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Additional District & Sessions Judge-XII, Patna in connection with S.T. No. 846 of 2023 arising out of Digha P.S. Case No. 557 of 2022, subject to the 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)

Vanisha/-

U		T	
---	--	---	--

