

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33635 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- DELHA District- Gaya

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Sunny Kumar @ Piyush Kumar @ Piyush Verma S/O Pawan Kumar @
Pawan Kumar Verma R/o Village-Mohalla Bairagi, PS- Delha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2025 Heard Mr.Priya Ranjan, learned counsel for the

petitioner and Mr.Ajit Kumar, learned Additional Public

Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction in para-1 of the bail petition in
course of the day.

3. The petitioner is apprehending his arrest in
connection with Delha P.S. Case No.04 of 2025, dated
08.01.2025 registered for the offences punishable under
Sections 125,109,351(2) and 3(5) of BNS and Section 27 of
Arms Act.

4. The prosecution case, in short, is that the informant
alleged that the petitioner alongwith co-accused person, namely,
Amit Kumar resolved firing on the houses of the co-villagers



and raised suspicion that some misfortune might took place in further. It is further alleged that one fired cartridge was found at the door of the informant.

5. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. It appears from the FIR that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioner has been made accused in the present case and it appears from the FIR itself that the date of occurrence as alleged in the FIR is 06.01.2025 but the present FIR has been instituted on 08.01.2025 after delay of two days without giving any explanation of delay afterthought only to falsely implicate the petitioner in the present case and it appears from the FIR that the name of the petitioner has been transpired during investigation on the basis of the hearsay.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one, as mentioned in para-3 of the bail petition.

7. Considering the aforesaid facts, informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioner has been made accused in the present



case, let the petitioner, above named, in the event of his 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 learned Chief Judicial Magistrate, Gaya in connection with Delha P.S. Case No.04 of 2025, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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