

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69268 of 2025

Arising Out of PS. Case No.-200 Year-2023 Thana- KOTWA District- East Champaran

Sunil Kumar Son of Bhola Das Resident of Village - Chintawanpur, P.S.-
Pipra, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kant, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 26-09-2025

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in connection with Kotwa P.S. Case No. 200 of 2023 dated 24.05.2023 instituted for the offences punishable under Sections 399, 402 and 412 of the Indian Penal Code and Sections 25(1-b), 26, 35 of the Arms Act.

3. As per the prosecution case, the informant/S.I. has alleged that during the patrolling one vehicle was intercepted. It is alleged that on seeing the police, three persons managed to escape while three were apprehended who disclosed their names as Sunil Kumar, Sonu Kumar and Prem Kishore Kumar. During search a countrymade *katta*, live cartridge have been recovered from Sunil Kumar (S/o Ramakant Sah) and a countrymade



pistol without cartridge recovered from Sonu Kumar and two live cartridges were recovered from Prem Kishore Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated merely because he carries one criminal antecedent of similar nature against his name. It has been submitted that no incriminating article has been recovered from the conscious possession of the petitioner or from his house. It has been submitted that apart from the one case, the petitioner has no criminal case against his name.

5. Learned APP has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran in connection with Kotwa P.S. Case No. 200 of 2023, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the



petitioners;

(ii) the petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will liable to be cancelled by the Court concerned;

(iv) 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 bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(v) the petitioner is directed to appear before the SSP, East Champaran in connection with Kotwa P.S. Case No. 200 of 2023 fortnightly to mark his attendance.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

krishna/-

(Sourendra Pandey, J)

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