

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76877 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- INDUSTRIAL District- Bhagalpur

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Sunil Kumar @ Sunil Das S/O Bhagwan Das Resident of Village- Jhurkuria,
P.S- Industrial Area, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Sessions Trial No. 646/2024 arising out of Industrial Area P.S. Case No. 08 of 2024 for the offence punishable under sections 341, 323, 324, 307 and 37 of the Indian Penal Code lodged on 13.01.2024 by the informant, Abhishek Kumar.

3. As per the prosecution story, the informant alleged that while he was standing at his door, the petitioner alongwith his wife came and after abusing stated that the eighteen thousand taken by them is not going to be returned. Upon objection, the lady brought the sickle and this petitioner gave blow on the head causing injury. He was shifted to Jawaharlal Nehru Medical College, Bhagalpur for treatment and then to Patna Medical College and Hospital. This led to the FIR.



4. Learned counsel for the petitioner submits that both are neighbours, in the heat of the moment, the occurrence took place, no second blow has been incorporated, he has already remained in custody since 18.05.2024 (paragraph-10 of the petition), will diligently appear in trial.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition intends to return Rs. 18,000/- as has been alleged in the F.I.R. and would like to contribute Rs. 7,000/- towards his medical assistance (Rs. 25,000/- in total) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer for bail submitting that allegation is of assaulting by sickle and the injured was found to be having grievous injury and was ultimately shifted to P.M.C.H., Patna for his treatment.

7. Having gone through the facts of the case and the submission of the parties, though allegation is there, no second blow was given, the petitioner has remained in custody since 18.05.2024 and he has undertaken to diligently appear in trial, in that background, this Court is inclined to extend him the



privilege of bail with conditions subject to payment of Rs. 25,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court and handed over to the informant after checking the credentials.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XVIII, Bhagalpur, in connection with Sessions Trial No. 646/2024 arising out of Industrial Area P.S. Case No. 08 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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