

IN THE COURT OF SESSIONS JUDGE, BHAGALPUR
Anticipatory Bail Application No. 2643/2022
Kahalgaon P.S. Case No. 337/2018

Sunil Singh @ Sunil Kumar Singh Versus State of Bihar

Sl. No.	Date of Order or Proceeding	Order with Signature of the Court
1	2	3
	05-12-2022	This is an application under Section 438 Cr.P.C. seeking pre-arrest bail by accused petitioner, namely, Sunil Singh @ Sunil Kumar Singh, in connection with Kahalgaon P.S. Case No. 337/2018 registered under Sections 327, 409, 420 of the Indian Penal Code and U/s 40 BMMC Rule 1972 and U/s 6, 8 BMRC Rule 2003. As per FIR, it is alleged that the accused persons named in the FIR have opened an office at Mirzachowki for illegal collection from the drivers of the over-loaded trucks. The informant police officer received information about the illegal office and thereafter the informant arrived there and raided the house of accused Lalu Mandal who confessed his guilt. A search was made in the house of accused Lalu Mandal and the informant seized cash Rs. 10,22,180/- and further seized Rs. 2,00,850/-, also seized 12 ATM, seven pass-books, 22 cheque books, LIC documents, documents of nine trucks, seven mobile phones and registers. Accordingly, seizure list was prepared. Accused Munsu Gautam Mandal was also apprehended at the instance of accused Lalu Mandal. The police further seized several registers and two mobile phones from the accused Gautam Mandal. The accused Gautam Mandal is the Munsu in the illegal office. Accused Bikash Pandit was also apprehended there on the confessional statement of the accused Lalu Mandal and Rs. 55,000/- was also recovered from his possession. The accused Lalu Mandal and accused Bikash Pandit also disclosed the name of accused Lalan Rai @ Lalan Raj. The accused Rajeet Kumar was also apprehended there since the call of Ranjeet Kumar has been received at the Cell set of the accused Lalu Mandal. Heard Sri Ajay Kumar Sinha, learned counsel for the petitioner and Sri Satya Narayan Prasad Sah, learned Public Prosecutor for the State. The learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. Entire allegation against the petitioner is false and concocted. It has further been submitted that the name of petitioner has come in this case on the basis of confessional statement of co-accused Lalu Kumar Mandal before police. Moreover, the confessional statement of co-accused before police has got no evidentiary value in the eyes of law and except the confessional statement of co-accused before police there is nothing in the entire

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case diary to connect the complicity of petitioner in alleged occurrence. It has further been submitted that earlier co-accused persons have been granted anticipatory bail by the order of Hon'ble High Court, Patna vide Cr. Misc. Nos. 45659/2018, 56544/2018, 47723/2018 and 51615/2018. It has further been submitted that other co-accused persons have been granted anticipatory bail by the order of this court on 06-09-2018 vide A.B.P. Nos. 1954/2018, 2002/2018 and 2060/2018 and the case of petitioner stands on same footing. The petitioner bears clean antecedent. Hence, the petitioner may be granted anticipatory bail.

On the other hand, the learned Public Prosecutor though opposed the prayer for anticipatory bail but fairly conceded that earlier co-accused persons have been granted anticipatory bail by the order of Hon'ble High Court, Patna as well as by the order of this court.

Perused the record as well as case diary. No criminal antecedent has been mentioned in the case diary against the petitioner. The name of petitioner has come in this case on the basis of confessional statement of co-accused Lalu Kumar Mandal before police. Earlier co-accused persons have been granted anticipatory bail by the order of Hon'ble High Court, Patna as well as by the order of this court. The petitioner is entitled for parity.

Considering the aforesaid facts and circumstances of the case, as discussed above, this anticipatory bail application of the petitioner is allowed. It is ordered that in the event of arrest or surrender before the learned court below within four weeks from the date of this order, the petitioner Sunil Singh @ Sunil Kumar Singh shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of learned court below subject to the conditions as laid down under Sub-clause (2) of Section 438 of the Code of Criminal Procedure with additional condition that in future the petitioner will not involve in similar offence and will co-operate in the trial.

Sd/-
Sessions Judge.

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