

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35901 of 2025**

Arising Out of PS. Case No.-699 Year-2022 Thana- BARH District- Patna

Sunny Thathera @ Sunny Kumar Son of Suresh Prasad @ Suresh Saw @  
Suresh prasad saw Resident of Village - Badki Jamui Chak, P.S.- Barh,  
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shashi Kant, Advocate  
For the State : Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      08-08-2025                      Heard   Mr. Shashi Kant, learned counsel for the  
  
petitioner and Mr. Surendra Prasad Singh, learned APP for the  
  
State.

2. Petitioner seeks bail, who is in custody since  
03.11.2022, in connection with Sessions Trial No. 835 of 2023  
arising out of Barh P.S. Case No. 699 of 2022, F.I.R. dated  
27.10.2022 registered for the offences punishable under  
Sections 341, 323, 329, 307, 504 and 34 of the Indian Penal  
Code, Section 27 of the Arms Act and later on Section 302 of  
the Indian Penal Code was added.

3. Earlier the prayer for bail of the petitioner was  
rejected vide order dated 28.08.2023 passed in Cr. Misc. No.  
44004 of 2023 and thereafter the petitioner has again moved



before this Court in Cr. Misc. No. 29402 of 2024 and the same was dismissed vide order dated 28.06.2024 by a Coordinate Bench of this Court with a direction to the learned Trial Court to conclude the trial within a period of six months positively failing which the petitioner will be at liberty to renew his prayer for bail.

4. Learned counsel for the petitioner submits that the petitioner has filed the present application for grant of regular bail stating therein that the petitioner is in custody since 03.11.2022 and in terms of the order dated 28.06.2024 the trial has not concluded as yet.

5. Vide order dated 30.06.2025, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 17.07.2025 reveals that out of eight chargesheeted witnesses, six prosecution witnesses have been examined as yet and the case is pending for examination of rest two chargesheeted witnesses.

6. Learned counsel for the petitioner submits that the petitioner having clean antecedent and he is in custody since 03.11.2022 and in view of the report of the learned Trial court, there is no chance of early conclusion of the trial in near future and as per direction of this Court, the learned Trial court had to



conclude the trial within the stipulated period but the same has not been concluded as yet.

7. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case and the period of custody as well as in view of the report of the learned Trial court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-III, Barh, Patna in connection with Sessions Trial No. 835 of 2023 arising out of Barh P.S. Case No. 699 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) 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 antecedents, 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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