

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23297 of 2016

Arising Out of PS.Case No. -27 Year- 2013 Thana -DULHIN BAZAR District- PATNA

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Sunil @ Sunil Kumar @ Sunil Yadav son of Satendra Yadav, Resident of
village- Dorwan Mathiya, P.S.- Dulhin Bazar, District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party : Mr. Mustaque Alam (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 01-06-2016 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State. Learned counsel for the

informant is also present.

The petitioner is in custody on his surrender since
19.04.2016 in connection with Sessions Trial No. 950B of 2014
arising out of Dulhin Bazar P.S. Case No. 27/2013 registered for
the offences punishable under Sections 364,302,201/34 of Indian
Penal Code.

Learned counsel for the petitioner submits that he is a
defence personnel who has since been suspended. Learned counsel
for the petitioner further submits that the present case is mere a
case of honour killing and not as alleged by the informant in the
first information report. Learned counsel for the petitioner has
further drawn the attention of this Court to several orders which



were passed by this Court as well as by the Court below, which indicate that the mother of the victim girl, who had witnessed the occurrence, has stated that she could not recognize any of the persons who had entered into the house. It is also submitted by the counsel for the petitioner that during the course of investigation, the informant could not be a witness to the incident as the door of the Dalan, in which he was sleeping in the alleged night of the occurrence, was locked from outside. Learned counsel for the petitioner further submits that other persons, who have been named in the first information report, have been extended the privilege of regular bail. He further undertakes that if the petitioner is released from custody, he shall attend the trial on each date as and when required.

Learned counsel appearing on behalf of the informant however strongly opposes the present bail application on the ground that the petitioner was seen in objectionable position with the victim girl on the date prior to the alleged occurrence. It is also stated that informant had also identified the petitioner to be one of the group and had come to kidnap the girl. The petitioner was taken into custody only after much effort and after filing of criminal writ application by the informant before this court.

Learned counsel appearing on behalf of the State referring to the orders passed by this Court as well as the Court

below has pointed out that just prior to the alleged date and time of the occurrence, the victim girl was seen going along with her brother on the motorcycle.

In view of serious discrepancy in the prosecution story and also on account of the fact that there also appears to be some doubt as to whether the informant had actually witnessed the occurrence, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI, Danapur, Patna in connection with Sessions Trial No. 950B of 2014 arising out of Dulhin Bazar P.S. Case No. 27/2013.

It is made clear that the petitioner shall present himself on each date before the Court below so that trial of the case is not hampered in any manner. In case the petitioner does not appear on two consecutive dates without any reason, it shall be open to the Court below to cancel the bail bonds and take the petitioner in custody.

(Anjana Mishra, J.)

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