

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43181 of 2017

Arising Out of PS.Case No. -94 Year- 2017 Thana -VIJAYPUR District- GOPALGANJ

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Sunil Kumar Singh @ Sunil Singh son of Late Drupdeo Singh R/o Village -
Musahari, P.S. - Vijaipur, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
07.06.2017 in connection with Bijaipur P.S. Case No. 94 of 2017
for offences punishable under Sections 394, 302 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while he was returning after attending Barat on the road three
miscreants on two motorcycle arrived and one of them gave him
stab blow on the abdomen and looted the motorcycle and fled
away. The informant during course of treatment succumbed to the



injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that he has not been named in the F.I.R. and it is only on the basis of his own confessional statement and confessional statement of the co-accused that he has been made accused in the present case. He submits that the allegation upon him was of being a liner and that co-accused Pankaj Kumar had given a stab blow which is evident from his confessional statement and confessional statement of the co-accused. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that although the petitioner is not named in the F.I.R. but during investigation the name of six accused persons including the petitioner has surfaced and the petitioner was found to be giving all information and was the main linchpin of providing the information about the informant. He submits that the injury resulted in death of the informant and the motorcycle has



also not yet been recovered.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Bijaipur P.S. Case No. 94 of 2017, pending in the court of learned Additional Chief Judicial Magistrate-IVth, Gopalganj.

The application is, accordingly, rejected.

However, the learned court below is directed to expedite the trial. The petitioner is at liberty to renew his prayer for bail after six months if trial is not concluded by that time.

(Nilu Agrawal, J)

Devendra/-

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