

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44108 of 2018

Arising Out of PS.Case No. -93 Year- 2018 Thana –GHORASAHAN
District- EAST CHAMPARAN (MOTIHARI)

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Sunny Kumar, Son of Braj Kishor Prasad, resident of Mohalla- Balua
Gopalpur, P.S.- Motihari Town, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 23-08-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 16.03.2018 in
connection with Ghorasahan P.S. Case No.93 of 2018
registered for the offence under Sections 394 and 302 of the
Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that
though not named in the F.I.R., only on the basis of
confessional statement made before the police by one Ali, the
petitioner has been implicated in connection with the present
case. It is further submitted that after he was taken into custody,
the petitioner was made to give self-confessional statement
before the police, which does not have any evidentiary value.



With regard to the allegation that the petitioner's call detail records were recorded at the alleged place of occurrence, the said fact cannot be attributed to connect the petitioner with the alleged crime. It is further submitted that apart from the present case, the petitioner is accused in one another case, in which he has already been extended the privilege of bail.

Having considered the entire facts and circumstance and also the diary, which has come and which contains no further material, except the confessional statement made before the police, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran, in connection with Ghorasahan P.S. Case No.93 of 2018, subject to the following conditions:

(1) One of the bailors will be the father of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of



his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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