

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36805 of 2019

Arising Out of PS. Case No.-109 Year-2018 Thana- SACHIVALAYA District- Patna

SUNNY KUMAR, aged about 21 years, Sex-Male, Son of Late Raju Sah, Resident of Village- Chero, P.S.- Harnaut, District- Nalanda, at present Residing at Near Sachiwalay, in front of Gate No. 3, Jhoparpatti, P.S.- Sachiwalay, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bipin Kumar, Advocate.
For the Opposite Party : Mr.Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 17.08.2018 in a case for the offence registered under Sections 397, 411 and 302/34 of the IPC.

The prosecution story, in brief, is that on 14.08.2018 the informant was sleeping in her house. At about 3-3.30 A.M., when she woke up for toilet then found missing of bed sheet on bed and also Inverter was switched off. She asked from her husband but in the meantime, three criminals with pistol came stated that some persons of office had told that money has come in the house and demanded and on denial, shot fire on heart of her husband. Out of three criminals, one was blackish short



height aged about 30-35 years was wearing blackish shirt and trouser and other two were aged about 20-25 years, out of them one had worn red colour shirt and another was blonde and worn blue shirt. All had worn Jeans and talking in local language. All criminals came by crossing wall from north side and by uprooting rods of Grill entered into the house. All criminals taken Rs. 40,000/- cash, 3-4 gold chain, 8-90 Kanbali, two gold bracelet and silver Payal. One black mobile set and one Samsung Mobile set. After taking all articles criminals by crossing wall fled away. Her husband is aged about 59 years and posted in Sachiwayal.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come in the present case on the basis of confessional statement of co-accused. There is no eye witness to the alleged occurrence. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has



been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-XIV, Patna, in connection with Sachiwalay P.S. Case No. 109 of 2018.

(Sudhir Singh, J)

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