

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3448 of 2020

Arising Out of PS. Case No.-530 Year-2019 Thana- PIRBAHOR District- Patna

SUNNY KUMAR S/o Pradeep Shahu R/o Mohalla- Daldali Road, P.S.-
Kadamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-06-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Pirbahore P.S. Case No.530 of
2019 registered under Sections 302 and 34 of the IPC.

The informant (father of the deceased) alleged that he
got information that his son Rahul Kumar was lying in P.M.C.H.
and blood was oozing from the face. He was brutally assaulted
by bricks. He further disclosed that Ramesh Kumar, Sunny
Kumar (petitioner) and Neeraj Kumar killed his son.

Learned counsel for the petitioner submits that the
informant is not an eye witness of the occurrence. The informant
did not disclose the fact that who informed him about the death
of his son. During course of investigation as it appears from the
case-diary that almost all the witnesses who are relatives of the
informant and the deceased stated and made hearsay statement



with regard to assault by the petitioner and other two persons. In para 32 of the case-diary, namely, Perwez Alam and Pramod Kumar, who are stand keepers in a ward of P.M.C.H. disclosed that Ramesh Kumar, and Neeraj Kumar assaulted the deceased. The so-called eye witnesses of the occurrence did not disclose the name of the petitioner. There is no material save and except the hearsay statements of the informant and other witnesses.

Learned A.P.P. opposed the prayer for bail but did not dispute the fact that there is no eye witness of the occurrence. The informant and his relatives made statement only on the basis of hearsay information. They did not disclose the facts that from whom they got information about the occurrence.

Having considered the facts aforesaid, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Patna in connection with Pirbahore P.S. Case No.530 of 2019.

(Prabhat Kumar Jha, J)

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