

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20639 of 2020

Arising Out of PS. Case No.-411 Year-2019 Thana- SAHARSA District- Saharsa

SUNNY KUMAR RAJ S/o Shivendra Bhagat R/o village- Ramfal Sah, Tola,
Ward No. 2, Saharsa, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-
functional due to the present pandemic COVID-19, the
matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects, the office
shall place the matter before the bench.

Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner is languishing in custody since



19.12.2019 in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Guddu Kumar Thakur, recorded by A.S.I., Dhan Bihari Mishra on 06.05.2019 at 06:30 P.M. in Sadar Hospital , Saharsa, is to the effect that on 06.05.2019 at 10:15 A.M., when the informant and his brother were coming to Saharsa Court and reached near Rifle Tola, they saw that co-accused Shamsheer Alam, Afsar Alam and Ashok Yadav are coming from a motorcycle. They intercepted the informant and his brother and thereafter they fired indiscriminately on the brother of the informant. The informant escaped from the scene. On the other motorcycle, there were three persons who could not be identified. They also fired at the brother of the informant. The informant alleged that co-accused Shamsheer Alam, Afsar Alam and Ashok Yadav caused six bullet injuries to the brother of the informant who subsequently



succumbed to the injuries. During investigation, the name of the petitioner sprang up which gets reflected from the impugned order.

Learned counsel for the petitioner submits that specific case of the informant is that F.I.R. named three accused persons killed the victim by causing six bullet injuries while the informant and his brother were going to Saharsa Court when the statement of witnesses were recorded in paragraph Nos. 16, 17 and 33 of the case diary, they gave an absolute go-bye to the accusation levelled in the F.I.R. and one similarly situated co-accused has been granted bail by a Co-ordinate bench of this Court vide order dated 18.12.2019 passed in Cr. Misc. No. 66231 of 2019. Though the petitioner is accused in two other cases, but he is on bail in those cases.

Learned A.P.P. submits that name of the petitioner sprang up during investigation.

Considering the fact that there is specific



accusation against F.I.R. named accused persons to have made indiscriminate firing upon the brother of the informant and killed and the investigation being concluded, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 411 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Saharsa
in connection with Saharsa P.S. Case No. 411 of 2019
including one surety given at the time of provisional bail.

The learned Court below will be at liberty to
further extend the period of provisional bail if the Court
proceeding in physical mode will not resume in next three
months.

Accordingly, the present application stands
disposed of.

(Dinesh Kumar Singh, J)

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