

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27710 of 2020**

Arising Out of PS. Case No.-109 Year-2013 Thana- PUNPUN District- Patna

BITTU KUMAR S/o Dinesh Prasad R/o Mohalla- Mali Gali, P.S.- Hawai  
Adda, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Rina Sinha, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      19-10-2020                      Heard learned counsel for the petitioner and learned  
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Punpun P.S. Case No. 109 of 2013 registered under sections 302 and 201 of the Indian Penal Code.

As per allegation in the FIR, the dead body of the victim was discovered and it was identified by her mother as being that of her 22 year old daughter. The FIR was registered against unknown.

It is submitted by learned counsel for the petitioner that the name of the petitioner transpired in an extra judicial confession of accused Sunny Kumar made before the police. It is submitted that the said Sunny Kumar has been acquitted by



judgment dated 31.3.2017 passed in Sessions Trial No. 932 of 2014, a copy of which has been brought on record. It is further submitted that the petitioner had no information about his name transpiring on the confessional statement of co-accused. He was arrested on 4.1.2020 and is in custody since last nine months.

The application for bail is opposed by learned APP for the State, who submits that the petitioner has been absconding in a case under section 302 of the Indian Penal Code.

Having heard learned counsel for the parties and taking into consideration that the name of the petitioner transpired on the confessional statement of co-accused Sunny Kumar, who has himself been acquitted, the contents of the judgment together with the petitioner having remained in custody since 4.1.2020, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Punpun P.S. Case No. 109 of 2013 on furnishing bail bond of Rs.10,000/ (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge, Masaurhi, Patna.

In view of the fact that the trial of one of the co-accused has already concluded, it is directed that the petitioner



shall remain personally present in Court on each date and in case of his absence on any date for reasons not to the satisfaction of the learned Court below, his bail bond shall be cancelled and he shall be taken into custody till conclusion of the trial.

**(Partha Sarthy, J)**

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