

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12979 of 2020**

Arising Out of PS. Case No.-432 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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SUNIL KUMAR Son of Ramashray Singh Resident of Village - Baghi, P.S.-
Samastipur (Muffasil), Distt – Samastipur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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

6 07-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 120B of the Indian Penal Code.

As per the prosecution case, while the husband and the son of the informant were sleeping, it is stated that at about 3 am in the morning unknown accused persons assaulted the husband of the informant with a sharp edged weapon as a result of which he died.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. He was subsequently falsely implicated in course of investigation in the further statement of the informant wherein she names three accused persons including the petitioner herein as also one Om Prakash who has been enlarged on bail vide order dated 29.6.2021



passed in Cr. Misc. no. 6606 of 2021. The petitioner is in custody since 23.11.2019 and there is no chance of the trial concluding in the near future.

Heard learned APP for the State.

A report was called for from the learned Court below. As per the report received contained in letter dated 2.12.2021 of the Additional District and Sessions Judge V, Samastipur, no prosecution witness out of the seven charge sheet witnesses have been examined and bailable warrant have been issued.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 2 years, grant of bail to co-accused Om Prakash and there being no progress in the trial, the Court directs the petitioner to be enlarged on bail in connection with Samastipur (Mufassil) P.S. Case no. 432 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate V, Samastipur.

(Partha Sarthy, J)

Prakash/-

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