

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37723 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- AKILPUR District- Saran

Chunnu Kumar @ Aditya Kumar, son of Gopal Rai, resident of Village - New Goshain Tola, Sultanpur, P.S.- Danapur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dewendra Narayan Singh
For the Opposite Party/s :	Ms. Kshhem Sharma
	Mr. Upendra Kumar
	Mr. Manoj Kumar
	Mr. Raj Narayan Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2021 Heard the learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No.217 of 2021 arising out of Akilpur P. S. Case No.06 of 2020, instituted for the offences under Sections 147, 148, 149, 379, 302 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 12.02.2020, he is a person with clean antecedent and charge-sheet has been submitted in this case.

The learned counsel for the petitioner further submits that the informant alleges that 12 accused persons with a view to



snatch Rs.10,000/- which his son was carrying for giving it to the milkman assaulted. It is further alleged that this petitioner gave repeated blow by an iron rod on the head of the deceased along with other named accused persons, who also assaulted the deceased with iron rod on his head as a result of which, the son of the informant died.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the occurrence nor it is disclosed in the F.I.R. that the occurrence was disclosed by someone who disclosed the name of the accused persons as an eye witness. Learned counsel submits that the petitioner has been falsely implicated with the allegation that he has given repeated blow by iron rod on the head of the deceased along with other accused persons, but from perusal of the post mortem, it would manifest that there was only one injury on the head.

Learned counsel for the informant as well as learned A.P.P. vehemently opposes the bail application and submits that petitioner is alleged to be the assailant as he assaulted by iron rod on the head of the deceased, but the learned counsel for the informant is not able to meet the submission of the learned



counsel for the petitioner that there is no eye witness to the occurrence as it would manifest from the F.I.R. itself, and as such, it cannot be presumed that without being an eye witness the allegation with such precision can be made.

Considering the fact that the petitioner is in custody since 12.02.2020, he is a person with clean antecedent, charge-sheet has been submitted in this case and there is no eye witness to the occurrence, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Saran at Chapra in connection with Sessions Trial No.217 of 2021 arising out of Akilpur P. S. Case No.06 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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