

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2594 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- BARAUNI District- Begusarai

SUNNY Singh @ SUNNY Kumar, S/o Shri Ramvilas Singh @ Mantun Singh
R/o Village- Thakurichak, Ward No. 15, P.S.- Barauni, District- Begusarai
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate.

For the Opposite Party/s : Mr.Arun Kumar Singh No.5, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 04-08-2021 Let the defects be removed within four weeks of the
start of the physical Court.

Heard the parties in virtual Court.

The petitioner is languishing in custody for the
offence punishable under Sections 302/120B/34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to first information report, the informant
claims to be an eye witness of the occurrence and the petitioner
is alleged to have caused three fire arm injuries at the head of
the son of the informant, as a result whereof, son of the
informant died. Co-accused Dani Singh allegedly caused fire
arm injury to Saurabh Singh who also sustained injury and died
subsequently.

Learned counsel for the petitioner submits that, in
fact, the informant is not an eye witness of the occurrence and



due to political rivalry concocted and after thought allegation has been levelled which would be evident from the fact that the doctor found only single fire arm injury on the person of the son of the informant. Moreover the case diary would reveal that in Para-2, the police stated that on getting information of firing at 02:35 PM, the police on patrolling duty reached at the spot and found both the injureds having fire arm injury and both were alive. They were immediately sent for treatment. However, near Zeromile, the family members of the injureds stopped the police vehicle and found that both were dead. Thereafter, the family members and others started scuffle with the police team. The fardbeyan of the informant was recorded at 06 PM at Thakurichak which was subsequent to the arrival of the police at the spot and no other witness claims to have identified any of the assailants. The petitioner is in custody since 03.08.2020.

Learned counsel for the State opposed the prayer for bail on the basis of extracted confessional statement of the petitioner while in police custody and statement of a witness under Section 164 Cr.P.C. recorded on 04.08.2020.

As discussed above, for the purpose of consideration of this prayer for bail, the prosecution case does not appear to be corroborated by the medical evidence or any other trustworthy



evidence. Investigation of the case is already complete. Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Barauni P.S. Case No. 275 of 2020, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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