

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5315 of 2022

Arising Out of PS. Case No.-467 Year-2020 Thana- DIGHA District- Patna

SUNNY KUMAR, S/o Ashok Rai, Resident of Mohalla- Digha Railway Line Colony, P.S.- Digha, District- Digha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Advocate
For the State : Mr. Anant Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Digha P.S. Case No. 467 of 2020 registered for
the alleged offences under Section 363 of the Indian Penal
Code.

As per prosecution case, the son of the informant
went missing in the night of 30.08.2020. Later on, his dead body
was recovered. The name of the petitioner surfaced as an
accused during investigation.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this



case. There is no eye witness to the alleged occurrence and during investigation, the petitioner was arrested merely on suspicion. All the witnesses examined during investigation are hearsay witnesses and though they have stated that the deceased was last seen in the company of petitioner and two others but from their statement, it is very much clear that these witnesses also came to know through same source that the deceased was last seen in the company of the petitioner. Learned counsel further submits that the similarly situated co-accused Karan Kumar has been granted anticipatory bail vide order dated 06.01.2022 passed in Cr. Misc. No. 37699 of 2021. The petitioner is in custody since 05.09.2020 and there is no progress in the trial.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner himself divulged his role in the alleged occurrence when his statement was recorded by the police.

Perused the records.

Having regard to the facts and circumstances and submission made and further considering the fact that there appears hardly any substantive material to connect the petitioner with the offence as alleged and further considering his period of



custody and submission of charge sheet against the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Patna in connection with Digha P.S. Case No. 467 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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