

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18146 of 2022

Arising Out of PS. Case No.-350 Year-2020 Thana- SITAMARHI District- Sitamarhi

SANNI KUMAR @ SUNY Son of Late Gauri Shankar Mahto @ Gori Shankar Mahto Resident of Mohalla - Juggi No.- 156, Railway Line Near Ganda Nala, Dasham School, Karol Bag, Central Delhi, At present residing at Mohalla - Noniya Toli, Ward No.- 07, Court Bazar, P.S. - Sitamarhi, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioner and learned counsel for the State.

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

The petitioner is in judicial custody in connection with Sitamarhi P.S. Case No. 350 of 2020 for the offences under Sections 302/34 of the Indian Penal Code.

The allegation in the FIR is that while the informant's nephew was returning home, he was found injured and thereafter taken to Sadar Hospital, Sitamarhi and later to S.K. Medical College and Hospital, Muzaffarpur where he was declared dead. His bag containing the mobile and the Laptop



were found missing and as such he alleged that unknown persons have killed him in course of looting.

In this case, case diary and criminal antecedent report of the petitioner were called for on 27.07.2022 which has since been received and perused by the learned APP for the State.

Learned counsel for the petitioner submits that no role has been assigned to him inasmuch as the confessional statement of Raj Kumar @ Gajni in paragraph-76 of the case diary does not assign any role to him, save and except, his presence. He further submits that some of the accused namely, Ratan Kumar @ Raj Kumar & Babloo Kumar have since been released on bail in Cr. Misc. No. 39795 of 2020 and Criminal Appeal (SJ) No. 3400 of 2021 (relating to juvenile) vide order dated 10.03.2021 and 07.03.2022 respectively.

Let the same be kept on record.

Per contra, Mr. Bharat Bhushan, learned APP who represents the State submits that co-accused, Raj Kumar @ Gajni has made a confessional statement in paragraph-76 of the case diary in which he has stated that in course of looting, he gave knife blow to the deceased and thereafter with the help of Babloo Kumar and Ratan Kumar @ Raj Kumar, the body was dragged to a lonely place.



Considering the aforesaid facts as also that knife blow has been attributed to Raj Kumar @ Gajni and the others namely, Ratan Kumar @ Raj Kumar and Babloo Kumar have since been released on bail and the petitioner is in custody since 07.01.2022, charge sheet stands submitted, this Court is inclined to grant him the privilege of bail in view of the fact that he has no criminal antecedent if however, it is found that he do have criminal antecedent, this bail order shall be come infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 350 of 2020, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;



(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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