

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40154 of 2021**

Arising Out of PS. Case No.-619 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

SUNNY KUMAR Son of Akhilesh Ray Resident of Village - Manjhauli, P.S.-
Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 21-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Hajipur Sadar P.S. Case No. 619 of 2019 instituted for the
offence under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 18.01.2020, charge-sheet has been
submitted and has antecedent of eight cases. It is further
submitted that the informant alleges that he was intercepted by
three unknown criminal who tried to snatch his bag containing
Rs.5,00,000/- and when the informant protested he was shot and
the miscreants fled away with money, motorcycle and other
article as detailed in the FIR. Further, the informant was taken to



the hospital from where he was referred to the PMCH for better treatment.

Learned counsel for the petitioner submits that FIR is against unknown. The name of this petitioner came in the confessional statement of co-accused Kunal Kumar. Learned counsel further submits that though the petitioner has antecedent of eight cases but in all the cases his name has transpired based on the confessional statement of Kunal Kumar. It is, thus, submitted that in all the aforesaid eight FIR the petitioner was not named and his name transpired as aforesaid.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the petitioner has antecedent of eight cases and further there is allegation of firing against unknown.

Learned counsel for the petitioner rebuts the submissions made by the learned A.P.P. and submits that even from perusal of the statement of the witnesses, it would manifest that as far as this petitioner is concerned, he is alleged to have assaulted the informant with lathi. Learned counsel further submits that the investigation has been done in a mechanical manner and the police has implicated this petitioner merely based on confessional statement of Kunal Kumar.



Considering the fact that the petitioner is in custody, charge-sheet has been submitted, name of the petitioner came in the confessional statement of co-accused Kunal Kumar and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 619 of 2019, subject to the condition that the petitioner shall be released only after framing of the charges and if the charges have been framed then the petitioner shall be released on bail forthwith.

(Satyavrat Verma, J)

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