

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44447 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- PHULWARIA District- Begusarai

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PUNIT KUMAR @ PUTNA S/o Ramakant Singh @ Butai Singh Resident of
Village- Barauni-2 Ojha Tola, P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 and 34 of the Indian Penal Code.

As per the prosecution case, the son of the informant proceeded with his friend Ayush Kumar @ David and while he was making a purchase at the betel shop, two accused persons on a motorcycle came and shot at him as a result of which he died.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. The name of the petitioner transpired in course of investigation. In paragraph no. 30 of the case diary wherein as per the Investigating Officer he was informed by the spy that the two accused persons namely, Rohit and the petitioner have a hand in the occurrence and



catching hold of them may give leads in the case. It is submitted that so far as paragraph nos. 5, 9, 14, 23, 85 and 86 of the case diary are concerned, none of them are eye-witness to the occurrence and the petitioner has not even been named in paragraph nos. 5, 9, 14 and 23 of the case diary. Petitioner is in custody since 25.1.2021 and charge sheet has been submitted in the case. Further the witnesses in paragraph nos. 85 and 86 are hearsay witnesses.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation together with the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Fulwaria P.S. Case no. 9 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M 1st Class, Begusarai.

(Partha Sarthy, J)

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