

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58890 of 2021

Arising Out of PS. Case No.-211 Year-2020 Thana- NAGAR District- Vaishali

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SUNIL KUMAR @ SUNIL SAHNI @ SUNIL THIKEDAR SON OF SHIV
NATH SAHNI R/O MOHALLA- NAKHASH PATHAN MASJID, P.S.-
TOWN HAJIPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-07-2022 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hajipur Town P.S. Case No. 211 of 2020 for the offence
registered under Section 394 of the Indian Penal Code.

The case of the prosecution as per the fardbeyan of
the informant namely Kamlesh Kumar Chaudhary is that on the
alleged date and time of occurrence while he had withdrawn a
sum of Rs. 1,30,000/- from the bank for use in the construction
of school building and was going to his home, on the way when
he had reached the lane situated at Veer Kunwar Singh Colony,
three unknown miscreants had intercepted the informant and
had snatched money from him, whereafter they had fled away.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 29.06.2021. The learned counsel for the petitioner has submitted that though the petitioner is an accused in two other cases but he is on bail in both the cases. It is further submitted that the test identification parade could not be held since the informant has died on 04.05.2021 itself. It is also submitted that merely on the basis of confessional statement of the co-accused person namely Lalu Sahni, the petitioner has been falsely implicated in the present case. However, it is a matter of record that no incriminating materials have come on record, during the course of investigation, as against the petitioner herein.

Per contra, the learned APP for the State Ms. Anita Kumari Singh has though vehemently opposed the prayer for bail but has submitted that upon perusal of the case diary, no cogent material has been accumulated during the course of investigation, save and except confessional statement of the co-accused person namely, Lalu Sahni.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available



on record as also considering the fact that no test identification parade has been held so as to connect the petitioner with the alleged crime apart from the fact that no cogent material has been collected during the course of investigation against the petitioner herein apart from confessional statement of the co-accused person and the petitioner is stated to be languishing in custody since more than one year, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 211 of 2020.

(Mohit Kumar Shah, J)

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