

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9847 of 2022

Arising Out of PS. Case No.-494 Year-2021 Thana- HILSA District- Nalanda

SUNNY KUMAR Son of Ramashray Prasad @ Ramashray Paswan Resident
of Village - Mahadipur, P.s.- Chiksaura, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyamal Prakash, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Hilsa P.S. Case No. 494/2021, registered for the offence punishable under Sections 394/307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding two unknown persons having intercepted the informant, who is a delivery boy of Flip kart Company, when he was going to deliver the articles, whereafter, they had snatched his bag and mobile phone and when he had resisted, one of them had fired gunshot on the chest of the informant, resulting in the informant sustaining injuries.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 22.10.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases, but he has been falsely implicated in the said cases only after being arrested in the present case. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence and even during the course of investigation, it has not been found that the petitioner had shot the informant. It is also submitted that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any looted articles have been recovered from the petitioner, hence, it is submitted that the petitioner deserves to be enlarged on bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

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 materials available in the case diary, this Court finds that neither any Test Identification Parade has taken place so as to connect the petitioner with the alleged crime nor any recovery of looted articles have been made from the petitioner, hence, there is minuscule evidence on record to connect the petitioner with the alleged occurrence, thus, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa (Nalanda) in connection with Hilsa P.S. Case No. 494 of 2021.

(Mohit Kumar Shah, J)

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