

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39760 of 2022**

Arising Out of PS. Case No.-32 Year-2022 Thana- PHULWARIA District- Begusarai

SUNNY KUMAR @ SUNNI KUMAR S/O MUKESH MAHTO @
MANGAL MAHTO Resident of Village- Phulwaria.-02, Ward No.- 1, P.S.-
Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 06-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Phulwaria P.S. Case No. 32 of 2022, registered for the offences punishable under Sections 394 and 397 of the Indian Penal Code.

The allegation is that while the informant was returning back to his home, after writing exam at Patna on 28.02.2022, on the way, at about 11:15 P.M., he was intercepted by four unknown miscreants, whereupon they had on pistol point snatched a sum of Rs. 700/- and one mobile phone from the informant, as also had assaulted him.



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 14.05.2022. It is further submitted by the learned counsel for the petitioner that the petitioner is an accused only in one another case but he is on bail in the said case. It is also submitted by the learned counsel for the petitioner that the name of the petitioner has transpired in the present case upon the confessional statement made by the co-accused person, namely, Chhoti Kumar, however, the fact remains that neither Test Identification Parade has been conducted so as to connect the petitioner with the alleged crime nor any looted cash amount/ articles have been recovered from him, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. 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 fact that no Test Identification Parade has been conducted so as to connect the petitioner with the alleged crime, apart from the fact that no stolen articles have been recovered from the possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of 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 Additional Chief Judicial Magistrate-I, Begusarai in connection with Phulwaria P.S. Case No. 32 of 2022.

(Mohit Kumar Shah, J)

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