

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52116 of 2022

Arising Out of PS. Case No.-321 Year-2021 Thana- NAUBATPUR District- Patna

SUNNY KUMAR S/o Late Raj Kumar Yadav R/o village- Chakchachaul
(Chakiypur), P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 14-02-2023 Let the defects, if any, pointed out by the office be removed within two weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Naubatpur P.S. Case No. 321 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant alleged that some unknown miscreants committed theft at the house of the informant on the alleged date and looted some jewellerys, a cash of Rs.30,000/- and a mobile phone on a gun point.

The main submissions advanced by the learned



counsel Mr. Dhaneshwar Prasad Gupta for the petitioner are that this petitioner is not named in the FIR and during the investigation his name surfaced in the statement of co-accused Golu Kumar given before the police which has no evidentiary value and after petitioner's arrest in the present case the police did not make any attempt to conduct the Test Identification Parade in respect of the petitioner and the police failed to recover any of the alleged article from the possession of the petitioner and accordingly there is no any legal material against the petitioner to connect him to the alleged offence of loot and the prosecution is mainly relying upon the petitioner's criminal antecedents. Further submission is that petitioner has been languishing in jail since 14.12.2021 and against him there are criminal antecedent of eight cases in addition to the present matter but he has got bail in all the said cases of his antecedents.

Learned APP Mr. Shahabuddin Azeem @ S. Azeem appearing for the State has opposed the bail prayer and fairly accepted that in the case diary there is no material against the petitioner, except the confessional statement of co-accused Golu Kumar and in respect of the petitioner the investigation has been completed.

Having considered the above submissions and mainly



the petitioner's plea as to non availability of any legal evidence against him to connect him to the alleged offence of loot and the said plea has not been refuted by learned APP, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in connection with Naubatpur P.S. Case No. 321 of 2021.

Let the order's copy be sent to the Director General of Police (DGP) with a direction to look into the matter for necessary action against the negligent investigating officer and the police officer who supervised the investigation in the present matter.

(Shailendra Singh, J)

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