

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57777 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- BIRUPUR District- Lakhisarai

Sunny Kumar S/O Kailu Singh R/O Village - Jaitpur, P.S. - Barhiya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 302, 307, 326, 120(B) of the Indian Penal Code& Section 27 of the Arms Act.

3. As per prosecution case, accused persons including this petitioner are alleged to have surrounded the informant and his family members and started firing on them indiscriminately. In the meantime, the co-accused Prince, Amit and Manish started firing due to which one Sharvan Kumar died on the spot whereas the informant, his cousin brother Anshu and Anand Mohan sustained firearm injuries.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of apprehended co-accused persons before the police which has got no evidentiary value in the eye of law. Nothing specific allegation has been levelled against the petitioner and also no any consistent evidence has come against him. It is further submitted that similarly situated other co-accused person has already been granted bail by the different co-ordinate Bench of this Court vide order dated 17.08.2023. in Cr. Misc. No. 51037 of 2023. Moreover, the petitioner is languishing in judicial custody since 02.04.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Birupur P.S. Case No. 17 of 2023 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court.

(Sunil Kumar Panwar, J)

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