

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58454 of 2022

Arising Out of PS. Case No.-440 Year-2022 Thana- BUXAR District- Buxar

Sanni Varma Son Of Krishna Verma R/O Village- Bikramganj, P.S.-
Bikramganj, District- Rohtas At Present Syndicate, Budhanpurwa, P.S.- Buxar
(T), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59989 of 2022

Arising Out of PS. Case No.-440 Year-2022 Thana- BUXAR District- Buxar

Happy Kumar @ Himanshu Son Of Krishna Verma Resident Of Village -
Bikramganj, P.S.- Bikramganj, District - Rohtas, At Present Syndicate,
Budhanpurwa, P.S.- Buxar (t), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58454 of 2022)

For the Petitioner/s : Mr.Rang Nath Choubey

For the Opposite Party/s : Mr.Suman Kumari Singh

(In CRIMINAL MISCELLANEOUS No. 59989 of 2022)

For the Petitioner/s : Mr.Rang Nath Choubey

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-03-2023 Heard learned counsel for the petitioners and

learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a
case registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section



27 of the Arms Act.

It is alleged by the informant that her husband was shot dead by three unknown criminals near his house while he was coming home from his shop.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. The petitioners are not named in the F.I.R. There is no eye witness to the occurrence and except self confession before the police, no concrete and consistent material evidence has come against the petitioners and only on the basis of suspicion, the petitioners have been roped in the present case. The petitioners are languishing in custody since 08.08.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners and submitted that the petitioners have confessed their guilt and their confessions are at



paragraph Nos. 59 and 60 of the case diary. The independent witnesses in paragraph Nos. 62, 63, 64 and 65 have also supported the case of the prosecution as against the petitioners. The independent witnesses namely Manoj Yadav, Manish Kumar, Satya Prakash and Ganga Prasad Chaubey in their statements recorded under Section 164 Cr.P.C which is part of 175 to 178 of the case diary have specifically alleged against petitioner Happy Kumar @ Himanshu that he was present at the time and place of occurrence. Witness Manoj Yadav in his 164 Cr.P.C statement which is part of 178 of the case diary has specifically alleged that he saw that the victim Pappu Patera Patwa and petitioner Happy Kumar@ Himanshu were talking with each other. Suddenly, he heard the sound of gunshot firing and saw that victim Pappu Patera Patwa fell on the ground and petitioner Happy Kumar @ Himanshu was fleeing from the place of occurrence.

Considering the fact that the independent



witnesses in their statements recorded under Section 164 Cr.P.C have specifically alleged the role of the petitioner Happy Kumar @ Himanshu in the killing of the husband of the informant, this Court is not inclined to grant privilege of bail to the petitioner Happy Kumar @ Himanshu (Cr. Misc. No. 59989 of 2022).

The prayer for grant of bail to the petitioner Happy Kumar @ Himanshu (Cr. Misc. No. 59989 of 2022) is hereby rejected.

The Trial Court is directed to expedite the trial and conclude the same expeditiously.

So far as petitioner Sanni Verma (Cr. Misc. No. 58454 of 2022) is concerned, since during investigation, except confession, no concrete material evidence has come against him, let the petitioner, Sanni Verma (Cr. Misc. No. 58454 of 2022), be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in



connection with Buxar (T) P.S. Case No. 440 of 2022.

(Sunil Kumar Panwar, J)

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