

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59307 of 2022

Arising Out of PS. Case No.-313 Year-2021 Thana- KASIMBAZAR District- Munger

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SUMIT KUMAR S/O BINOD SHARMA Resident of Village- Masdhi, P.S.-
Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant's sister was married to one Ravi Kumar six years ago and soon after the marriage informant's sister was subjected to torture by her in-laws. Meanwhile, the informant's mother was shot dead by his Gotia and in the said incident the informant's sister also got injured by a gun shot due to which her left hand stopped to working properly and for the same her in-laws did not like her. Further, it is alleged that as the informant's sister was an eye-



witness to the above incident and the agnates of the informant had some relation with the informant's sister's in-laws, therefore they at any cost did not allow her to give statement in the above incident and also threatened to kill her. Later on, on alleged dated the informant's sister was murdered by her in-laws and agnates of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner has falsely been implicated in this present case due to land dispute with the agnates of the informant. It is evident from the FIR that the informant has not raised any suspicion against the petitioner rather his name came into light on the basis of confessional statement of co-accused namely, Gautam Kumar which has got no evidentiary value in the eye of law. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, co-accused Amardeep Kumar has already been granted bail by a coordinate bench of this court vide order dated 16.11.2022 in Cr. Misc. no. 42987 of 2022. It is further submitted that the petitioner is languishing in judicial custody since 17.11.2021.

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



Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kasim Bazar P.S. Case No. 313 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger.

(Sunil Kumar Panwar, J)

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