

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66548 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- ALAMGANJ District- Patna

CHUNNU KUMAR Son of Late Lakshmi Prasad R/o- Bari Patan Devi
(Tenant in the House of Manoj Yadav, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-04-2023 Let the defects, if any, pointed out by the office be removed within three 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 Alamganj P.S. Case No. 196 of 2022 dated 05.03.2022 registered for the offence punishable under Section 302 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner assaulted his brother, owing to which his brother succumbed to his injuries.

The main submissions advanced by petitioner's



counsel are that it is clearly evident from the FIR that the informant is not an eye-witness of the alleged occurrence and as per the prosecution's story, one person namely Sunny Kumar is stated to be the sole eye-witness of the alleged occurrence of murder but during investigation, the Investigating Officer tried to find his location and also made an attempt to trace him but he could not be traced and accordingly, his statement was not recorded by the Investigating Officer, in fact the deceased died due to road accident and he and the petitioner together were involved in loading and unloading of articles (Poldari) and there was some dispute in between them, owing to which the petitioner was falsely implicated in the alleged matter after the commission of the death of the victim. Further submission is that the petitioner has been languishing in jail for the last one year and he has fair and clean antecedent and he is also a young person.

Learned APP appearing for the State has opposed the bail prayer.

Considering the above submissions and mainly the custody period of the petitioner and his young age as well as the fact that during investigation, the most important witness namely, Sunny Kumar, who is stated to be the sole eye-witness



of the alleged occurrence, was not examined by the Investigating Officer, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge**, if the same has not been framed, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Alamganj P.S. Case No. 196 of 2022.

(Shailendra Singh, J)

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