

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36269 of 2024

Arising Out of PS. Case No.-566 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Sunny @ Suleman, aged about 27 years, Male Son of Md Akhtar @ Akhtar Ali, Resident of Village - Maharaji Pokhar, P.S.- Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mithanpura P.S. Case No. 566 of 2023 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, two unknown persons on a motorcycle killed the son of the informant by firing on him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to dirty village politics. He further submits that the informant is not an eye witness of the occurrence. During course of investigation the name of the



petitioner has surfaced in this case only on the basis of confessional statement of co-accused Jafran @ Bholu. He next submits that there is no any cogent evidence which has come against the petitioner, the allegation of firing shot is against co-accused Md. Jafran @ Bholu and the petitioner has been made accused in this case due to local politics and is in custody since 30.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Additional Sessions Judge-V, Muzaffarpur dated 24.04.2024, it appears that petitioner is not named in the FIR. From perusal of the records, it also appears that on the basis of written report of the informant Md. Firoz (father of the deceased) the FIR has been registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act against unknown persons. From perusal of the impugned order, it also appears that the name of the petitioner has been surfaced in this case only on the basis of confessional statement of co-accused Md. Jafran @ Bholu and there is no any independent witness of the seizure list as well as no eye witness of the alleged occurrence, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court No. 6 of Judicial Magistrate-1st Class, Muzaffarpur, (East) in connection with Mithanpura P.S. Case No. 566 of 2023.

(Ramesh Chand Malviya, J)

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