

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72894 of 2024

Arising Out of PS. Case No.-470 Year-2022 Thana- NAGAR District- Vaishali

Sunny Kumar @ Sunny Mishra @ Bhagina S/O Umakant Mishra R/O
Village- Bihari, P.S- Bhagwanpur, Distt.- Vaishali at present Address-
Resident of Village- Rajapakar Bazar, P.S- Rajapakar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Adv

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-10-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Hajipur Town P.S. Case No. 470 of 2022 registered for
the offence under Section 396 of the Indian Penal Code.

3. The accused/petitioner is not named in the
F.I.R. and is in custody since 30.01.2024.

4. The allegation against the petitioner is to
commit murder of the husband of informant while
committing *dacoity* alongwith other co-accused persons
and looted several ornaments made up of silver and
gold belongs to her shop M/s. Nilam Jewelry.



5. Learned counsel appearing on behalf of the petitioner submitted that save and except suspicion, nothing available against this petitioner as his name transpired on the confessional statement of Guddu Kumar @ Manariya, in furtherance of which no incriminating material recovered/surfaced as to connect him *prima-facie* with present occurrence of *dacoity* and murder. It is pointed out that petitioner was not put on T.I.P. It is submitted that seized materials appears to be recovered from house of brother of co-accused, Rashid Latif @ Rashid Khan. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases where he is in on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the aforesaid facts and circumstances as save and except suspicion arising out



of confessional statement of co-accused, nothing incriminating appears against this petitioner *prima-facie* as to connect him with present occurrence of *dacoity* and murder coupled with fact that investigation of this case is already completed where petitioner is in custody since 30.01.2024, accordingly petitioner, above named, is directed to be released on bail in connection with Hajipur Town P.S. Case No. 470 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, Hajipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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