

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86850 of 2024

Arising Out of PS. Case No.-628 Year-2021 Thana- BIHAR District- Nalanda

Sunny Kumar @ Shiv Kumar Son of Saroj Singh R/O- Village- Shamachak
(Udirakshni) P.S.-Barbigha Dist- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate Ms. Priyanka Singh, Advocate Mr. Adarsh Singh, Advocate Mr. Rizwanul Jama Khan, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 15-02-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bihar P.S. Case no.628 of 2021 registered under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that the dead body of an unknown person was recovered and it appeared that he had been strangled to death and his body thrown in the bushes by the side of the road to hide the same.

4. Learned counsel for the petitioner submits that the FIR was registered against unknown. The name of the petitioner transpired in course of investigation in the confessional statement of the nephew of the deceased namely Rohit Kumar



who has stated that it was Sunny Kumar and Mithun Kumar who had called and taken the deceased. They were to go to the house of Prakash Kumar. The said Prakash Kumar has been enlarged on bail vide order dated 11.1.2023 passed in Cr. Misc. no. 23155 of 2022. There is no eye witness to the occurrence. The petitioner is in custody since 8.7.2024 and charge-sheet has been submitted in the case. He has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, there being no eye witness to the actual occurrence and the co-accused Prakash Kumar having been enlarged on bail vide aforesaid order dated 11.1.2023, the petitioner is directed to be enlarged on bail in connection with Bihar P.S. Case no. 628 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special POCSO, Bihar Sharif, Nalanda.

(Partha Sarthy, J)

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