

Sunny Kumar Vs. the State of Bihar

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Court : Patna

Decided On : May-19-2012

Appellant : Sunny Kumar

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.19236 of 2011 Sunny Kumar Versus The State Of Bihar

19. 01-2012 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. The petitioner is in jail custody since 13-05- 2010 in a case registered under Sections-302, 201 of the Indian Penal Code and 27 of the Arms Act. Petitioner is not named in the first information report but in course of investigation, it came to light that he had illicit relationship with wife of the deceased and allegedly, he alongwith two others committed the murder of the deceased and, furthermore, it is stated that on the basis of disclosure made by this petitioner, the arm used in committing the alleged crime, was recovered. Learned counsel for the petitioner submits that so far as recovery of fire-arm is concerned, the same is nothing but high-handedness of the police because there is nothing in the entire case diary to show this fact that the aforesaid arm was used for committing the alleged crime by him. Even though the materials collected by the investigating officer assumed to be true, then also, it is a case of only last seen and having more or less 2 similar allegation, the other co-accused persons have

already been released on bail. It is further contended by him that petitioner is in jail custody since long but uptill now, only two prosecution witnesses have been examined. Considering the aforesaid facts and circumstances of the case as well as submission of the parties, let the petitioner, namely, Sunny Kumar be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sultanganj P.S. Case No. 78 of 2010 corresponding to Sessions Trial No. 83 of 2011 to the satisfaction of Additional Sessions Judge-Ist, Bhagalpur subject to condition that the petitioner shall attend the trial court on each and every date for a period of nine months or till conclusion of the trial whichever is earlier and if he fails to do so on two consecutive dates without any reasonable explanation, the trial court shall be at liberty to cancel the bail bonds of the petitioner. (Hemant Kumar Srivastava, J.) AKVishwakarma

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