

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.605 of 2017

Arising Out of PS.Case No. -321 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Sonu Kumar, Son of Raj Kumar @ Jay Kumar, Resident of Village-
Prakash Nagar, Narkatiyaganj Ward No.-13, Police Station- Shikarpur,
District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Adya Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 21-06-2017

The appellant seeks regular bail in connection with
Shikarpur P.S. Case No.321 of 2016 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code,
Section 27 of the Arms Act and Section 3(2) (v) of the SC/ST
(Prevention of Atrocities) Act, 1989.

Allegation against the appellant, as per FIR, is that
he called the deceased from the house and other accused persons
had fired upon him due to which he succumbed to the injuries.

It has been submitted on behalf of the appellant that
even according to FIR the appellant has only called the deceased
and no assault was made by him and now he is in custody for
about ten months.

Heard learned Special P.P. also, who has not
controverted this fact.



Having heard both sides, in view of the facts and circumstances as stated above, impugned order is set aside, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah (West Champaran), in connection with Shikarpur P.S. Case No.321 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (ii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

This appeal is, accordingly, allowed.

Arvind/-

(Vinod Kumar Sinha, J)

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