

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.22421 of 2019

Arising Out of PS. Case No.-344 Year-2018 Thana- PATNA CITY CHOWK District- Patna

SONU KHAN, Male, aged about 21 years, Son of Rijvanulla, Resident of
Mohalla- Chhoti Bazar Jalava Toli, P.S.- Khajekala, District- Patna

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Bindeshwar Prasad Singh, Adv.

For the Opposite Party : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 11-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with Special
Case No. 8274 of 2018 arising out of Chowk P.S. Case No. 344
of 2018 for the offences alleged under Sections 398 of the
Indian Penal Code and under Sections 25(1-B)a and 26 of the
Arms Act and under Section 37(c) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on information that two persons are planning
to commit crime, the police apprehended the petitioner along
with another co-accused, Sunil Kumar @ Bhola Yadav. On
search, from the possession of other co-accused one pistol with
two live cartridges were recovered and from the possession of
the petitioner two live cartridges were recovered. The
petitioner and the co-accused were found in an intoxicated



condition which was confirmed through breath analyzer. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, no overt act has been committed and is languishing in judicial custody since 08.09.2018. Charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. He submits that co-accused apprehended along with the petitioner on more serious allegation has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 5168 of 2019, dated 30.01.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No. 8274 of 2018 arising out of Chowk P.S. Case No. 344 of 2018 to the satisfaction of the learned Special Judge, Excise, Patna, or the successor Court subject to the condition that one



of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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