

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1141 of 2019

Arising Out of PS. Case No.-514 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

SONU KUMAR @ SONNU KUMAR age about 22 years s/o Binod Kumar
Yadav, r/o Village - Bahadur Pur post and P.S. Goraul, District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Mohan Mishra

For the Opposite Party/s : Mr.Smt. Pronati Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 07-03-2019

Heard learned counsel for the parties.

Petitioner seeks bail in **Mufasil (Ghanauti) P.S. Case No. 514 of 2018** registered for the offence punishable under Sections 302, 328, 120B/34 of the Indian Penal Code.

Informant in his written complaint has alleged that on 08.09.2018 when he was in his shop, at about 4:00 pm he received information on his phone that his brother had become ill and some people had taken him to Siwan Hospital for treatment. The Informant went to the Hospital to see his ailing brother and learnt that FIR named accused persons had taken his brother to Rampur Bazar in Uttar Pradesh where brother of the Informant had taken meal, drink etc and in the meantime, petitioner also joined them and gave some liquid to drink. Thereafter his condition became serious. The accused persons



brought the brother of the Informant on motorcycle and left him in his shop and informed the family members. The local people took the brother of Informant to Sadar Hospital, Siwan where he was declared dead.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on suspicion. There is no eye witness to the said occurrence. There is no allegation of overt act against this petitioner. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 19.12.2018 in Criminal Miscellaneous No. 70709 of 2018 and 24.01.2019 in Criminal Miscellaneous No. 3255 of 2019. Petitioner has got no criminal antecedent and is in custody since 10.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Mufasil (Ghanauti) P.S. Case No. 514 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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