

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 77995 of 2019

Arising Out of PS. Case No.-426 Year-2019 Thana- KESARIA District- East Champaran

SONU KUMAR, Son of Suresh Singh, Resident of Village - Gawandari, P.S.
- Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 399, 402, 414, 120 (B) of the Indian Penal Code and Sections 25 (1-b), a, 26, 35 of the Arms Act.

The prosecution case is that as per FIR, this case has been registered upon the self statement of SHO, Kesariya P.S. received information that some miscreants assembled near Bandh Mahotsava meeting places and they are hatching conspiracy for serious offence. The informant thereafter informed his superior official, constituted a team and proceeded towards the place of occurrence and reached there at about 8.30 P.M. it has further been alleged that the accused persons then try to flee away but anyhow. The police officials apprehended three



accused persons namely Shahil Raj @ Golu, Sanjiv Kumar @ Munchun and Deepak Sahani while other miscreants succeeded to flee away whose names disclosed by the apprehended persons as Sonu Kumar (petitioner), Om Prakash and Yograj Rai. The prosecution further alleged that the apprehended accused persons have been searched in presence of two independent witnesses and one pistol with four live cartridges along with mobile phone has been recovered in possession of the co-accused Sahil Kumar, one country made pistol along with one live cartridge and a mobile phone recovered from the possession of the co-accused Sanjiv Kumar and from the possession of Deepak Sahani one live cartridge has been recovered.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and there is no recovery from the conscious possession of the petitioner, rather it is recovered from the co-accused namely Shahil Raj @ Golu, Sanjiv Kumar @ Munchun and Deepak Sahani. On the confessional statement of co-accused, petitioner has been made accused in this case.

Lerned counsel for the petitioner further submits that the petitioner is in custody since 31.08.2019. The petitioner has been made accused in two other cases after the lodging of the present case.



Considering the aforesaid facts and circumstances, 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 to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Kesariyaa P.S. Case No. 426 of 2019, subject to the 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 Court and his absence on two consecutive dates without sufficient reasons, his 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.

(Anjani Kumar Sharan, J)

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