

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2031 of 2020

Arising Out of PS. Case No.-172 Year-2019 Thana- ATHMALGOLA District- Patna

Sonu Kumar @ Soniya Rai Son of Late Rajendra Rai Resident of Village -
Budhara, P.S.- Athamalgola, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioner and
learned A.P.P for the State.

The petitioner apprehends his arrest in
Athamalgola P.S. Case No. 172 of 2019, registered for the
offence punishable under Sections 341, 323, 325, 307, 385, 379,
504, 506 and 34 of the Indian Penal Code and section 27 of the
Arms Act.

The informant alleged that all the accused persons
surrounded him and demanded Rangdari. On protest, petitioner
along with co-accused Bachchu Rai caught hold of the
informant and Chhotu Rai fired with Katta upon him, which did
not hit him. Thereafter, co-accused Kallu Rai assaulted him with
iron rod on his hand and all over his body, as a result of which
the informant sustained head injury.



It is submitted that petitioner has falsely been implicated in this case. There is no allegation of any overt act against this petitioner. The only allegation against this petitioner is that he caught hold of the informant. Petitioner has got clean antecedent.

However, counsel for the informant vehemently opposed the prayer for bail.

Considering the facts aforesaid, the petitioner above-named in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Sub-Divisional Judicial Magistrate, Barh, Patna** in connection with **Athamalgola P.S. Case No. 172 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The 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 in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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