

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11407 of 2020**

Arising Out of PS. Case No.-173 Year-2019 Thana- SANGRAMPUR District- Munger

SONU KUMAR Son of Bishundev Sah Resident of Village/Muhalla- Kathna,
P.S.- Gangta, District- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 08-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular bail

in connection with Sangrampur P.S. Case No. 173 of 2019

registered for the offences punishable under Sections 302 and 201

of the Indian Penal Code.

Learned counsel for the petitioner submits that in the

present case FIR has been lodged against unknown as the dead

body of the deceased was found lying in a paddy field. It is

submitted that save and except the confessional statement of the

co-accused Ravi Kumar there is no material against the petitioner.

Though Police has also extracted confessional statement of this



petitioner but in course of investigation no independent material has come to corroborate the allegation that this petitioner has also participated in the alleged occurrence. The mobile phone of the deceased was recovered from possession of co-accused Ravi Kumar.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that in course of investigation it has been found that on one occasion i.e. on 05.10.2019 the petitioner's SIM was used in the mobile phone of the deceased. It is, however, admitted that the co-accused similarly situated to the petitioner whose name had also transpired in the confessional statement of co-accused has been granted regular bail by a learned co-ordinate Bench of this Court vide order dated 03.06.2020 passed in Cr. Misc. No. 18447 of 2020. The petitioner is in custody since 26.10.2019.

Considering the facts and circumstances of the case, particularly that there is no direct material suggesting participation of the petitioner in the murder of the deceased, even though confessional statement of co-accused is there, one of the co-accused Dilkhush Kumar has been granted privilege of regular bail by a learned co-ordinate Bench of this Court as noticed above. The petitioner is in custody since 26.10.2019 and prior to the present case the petitioner had no criminal antecedent as stated in



paragraph '3' of this application, there is no argument on behalf of the State that his release at this stage is in any way likely to adversely affect the course of trial, let the petitioner above named be released on bail in connection with Sangrampur (Tetia Bumber) P.S. Case No. 173 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned S.D.J.M., Munger, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate



steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

