

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20381 of 2020**

Arising Out of PS. Case No.-201 Year-2016 Thana- SONO District- Jamui

SONU SAO @ SONU SAH S/o Dukhan Sao Resident of Village-Rajaun,
P.S.-Charkapathar (Sono), District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar
For the Opposite Party/s : Mr.Shyam Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 02-07-2020 The matter has been taken up through virtual court proceeding.

Since, the physical court is not functional, due to present pandemic Covid-19, the present application has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within undertaken period, the office will again place the matter on board.

Heard learned counsel for the petitioner and the State.

The petitioner, who is languishing in custody since 09.01.2020, has preferred the present application for grant of bail in a case registered for the offences punishable under



Sections 147, 148, 149, 120B and 121(A) of the IPC, Sections 3/4 of the Explosive Substance Act and Sections 16, 17, 18, 19, 20, 21 and 22 of the Unlawful Activities (Prevention) Act.

The prosecution case, as per the written report of S.S.B. personnel, submitted to the S.H.O., Sono Police Station is to the effect that on 11.12.2016 at 5 A.M., during patrolling, one person was found sitting in a bush in suspicious condition, who, on seeing the police, started fleeing away, but on chase being made, he was apprehended, who disclosed his name as Puran Murmur and he confessed that he along with other naxals were planning to attack on the police. The apprehended co-accused person named several other co-accused persons including the petitioner, who escaped from the scene. At the instance of apprehended accused persons, three LPG cylinders, three gelatin rods, three electric detonators, 20 metres of wire and 10 naxal literature were recovered.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and the petitioner was not apprehended from the spot. Moreover, similarly situated co-accused, Saudi Yadav @ Sodi Yadav has been granted bail by a Co-ordinate bench of this Court vide order dated 12.04.2018,



passed in Cr. Misc. No. 10743 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the suspicious nature of accusation, the fact that the recovery has not been made from the conscious physical possession of the petitioner, investigation already being concluded and similarly situated co-accused person being granted bail by a Co-ordinate bench of this Court and the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Jamui in connection with Sono (Charkapathar) P.S. Case No. 201 of 2016.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety



to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jamui in connection with Sono (Charkapathar) P.S. Case No. 201 of 2016.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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