

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20993 of 2020

Arising Out of PS. Case No.-260 Year-2017 Thana- BARH District- Patna

SONU KUMAR @ SONU Son of Pramod Kumar Resident of Village-
Nauranga, Jalalpur, P.S.-Maranchi (Panch Mahla OP), District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha
For the Opposite Party/s : Mr.Satyendra Narain Singh (APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-06-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Barh P.S. Case No. 260 of 2017, disclosing offences punishable under Section 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The occurrence is of 08.09.2017, for which the F.I.R. was registered on the same day. It is alleged in the F.I.R. that the informant and one Guddu Singh were to be produced before the Court by the police. When they were being taken from the Court Hazat, for production before the Court, 4 to 5 persons including this petitioner started firing. The said Guddu Singh sustained serious firearm injuries. Guddu Singh



subsequently succumbed to injuries. It is evident thus that it is a case of killing of an accused in a Court premises, when he was being produced by the police before the Court. The postmortem report supports the case of the prosecution that Guddu Singh had sustained firearm injuries. This is to be noticed that the petitioner filed an anticipatory bail before this Court in connection with the present case giving rise to Cr. Misc. No. 26115 of 2018, which was rejected on 21.06.2018. He filed a second application in anticipatory bail, registered as Cr. Misc. No. 76768 of 2018, which was rejected on 09.01.2019. It has been stated in the present application that the petitioner is in custody since 20.02.2020. Apparently thus the petitioner was knowing his implication in the present criminal case and he managed to stay away from the investigation also despite his applications for anticipatory bail having been rejected. The criminal antecedent of the petitioner is writ large from the statement made in paragraph 3 of the application, which are as under:-

“The petitioner is accused in 6 more cases as (i) Mokama Hatidah Railway P.S. Case No. 9/09 u/s 395 & 397 of IPC (ii) Lakhisarai P.S. Case No. 286/09 u/s 395, 396, 412, 120(B) of IPC (iii) Maranchi P.S. Case No. 43/12 u/s 395, 397, 412 of IPC (iv) Mokama P.S. Case No. 200/12 u/s 420, 413, 414, 386,



387/34 of IPC (v) Hatidah P.S. Case NO. 44/12 u/s 395, 412, of IPC (vi) Maranchi (Panchmahla OP) P.S. Case No. 140/19 u/s 386, 504/34 of IPC and the petitioner is on bail in all cases."

Learned counsel appearing on behalf of the petitioner has submitted that, though, there is allegation of indiscriminate firing by 4 to 5 persons, the deceased sustained only one injury. He has submitted that similarly circumstanced co-accused Monu Kumar has been granted regular bail by this Court by an order dated 27.08.2018, passed in Cr. Misc. No. 38850 of 2018. For the said reason also, learned counsel for the petitioner submits, the petitioner deserves to be released on regular bail.

It has been noticed above that the petitioner managed to remain away from the process of investigation, despite rejection of his anticipatory bail application twice by this Court. Secondly, he has criminal antecedent, inasmuch as, he is accused in six cases, all of which are serious in nature. There is direct allegation against the petitioner of having opened fire. Taking holistic view of the entire facts and circumstances, I do not find it to be a fit case for grant of regular bail. This application is dismissed.

It is expected that the Court below shall take all



necessary steps to expedite the trial.

(Chakradhari Sharan Singh, J)

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