

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30454 of 2020**

Arising Out of PS. Case No.-88 Year-2020 Thana- SHRIKRISHNAPURI District- Patna

SONU KUMAR @ SONU RAI S/o Devendra Rai @ Devendra Prasad
Resident of Jawahar Colony Road No.4 Postal Park P.S-Kankarbagh, District-
Patna permanent address resident of village-Chandmari, P.S-Shahpur,
District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Usha Kumari Singh, Advocate
For the informant	:	Mr. Kumar Kaushik, Advocate
For the State	:	Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with S.K. Puri PS. Case No. 88/2020 registered for
the offences punishable under Section 302, 120B of the Indian
Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner has submitted that
in the first information report it is alleged that Devendra Rai and
his sons used to threaten the informant's father and it is they
who have conspired and in execution thereof the eldest son



Suraj Rai has along with one unknown motorcycle borne miscreants shot dead the father of the informant. Learned counsel submits that from the First Information Report it will appear that both the parties are having a land dispute and the same was subject matter of title suit no. 155/1997 in the court of learned Sub-Judge – II at Danapur. The said suit was decreed but an appeal against the same is pending in this Court. It is submitted that in the F.I.R. it is alleged that Suraj Rai who is one of the sons of Devendra Rai had taken out the pistol and fired on the father of the informant. There is specific allegation against Suraj Rai only. This petitioner has not been seen at the place of occurrence. Learned counsel submits that in course of investigation CCTV footage was also taken by the Investigating Officer in which also this petitioner has not been seen. As regards the four cases stated in paragraph ‘3’ of the application, learned counsel submits that in the three cases the petitioner has been granted bail and in one case being Jakkanpur P.S. Case No. 243/2020 under Section 30(a) of Excise Act, the petitioner has applied for bail.

Mr. Kumar Kaushik, learned counsel representing the informant has opposed the prayer for regular bail of the petitioner. It is his submission that this petitioner along with his



family members was a part of the conspiracy. In course of argument however Mr. Kaushik has fairly accepted at the Bar that the petitioner has neither been identified as the person driving the motorcycle nor he has been found in the CCTV footage and therefore his presence at the place of occurrence has not been established.

Learned A.P.P. has also endorsed the submission of learned counsel for the informant.

Having regard to the facts and circumstances of the case, there being no prima-facie material brought to the notice of this Court to connect this petitioner in the present case and the allegation being that of conspiracy by the whole family, in absence of prima-facie material this Court is inclined to grant privilege of regular bail to the petitioner, let the petitioner above named, who is in custody since 10.06.2020, be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - IV, Patna, in connection with S.K. Puri P.S. Case No. 88/2020, subject to the condition as laid down under Section 437 (3) 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, of 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

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.

Let it also be recorded that there is no submission that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial.

Learned counsel for the petitioner undertakes to file an affidavit in the court below clearly stating that in the cases at



serial no. I, III and IV under paragraph '3' of the present petition the petitioner is on bail and in respect of one case noticed hereinabove his prayer for bail is pending.

Let such affidavit be filed along with the bail bond whereupon the order of release shall be issued.

In course of trial it will be incumbent upon the petitioner to participate by putting his appearance on each and every date fixed in the matter and two consecutive defaults in putting appearance in the court below shall invite action towards cancellation of his bail bond.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

