

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35167 of 2020

Arising Out of PS. Case No.-639 Year-2019 Thana- DANAPUR District- Patna

SONU KUMAR, S/o Late Jittu Rai, R/o village- Agriculture Firm, P.S.-
Sahpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the office
is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 120B, 34 of the Indian
Penal Code and 27 of the Arms Act.

The prosecution case in brief is that the informant
lodged the instant case alleging therein that when his brother was
sitting on his shop of Sudha Booth then the petitioner alongwith
others were come on 15.08.2019 and quarreled with some other



persons in front of his shop then the informant intervened in the quarrel and pacify the dispute but again on 16.08.2019 in the evening when his brother was at his aforesaid shop then one co-accused Chuchu came and fired upon his brother who became injured and admitted to hospital he died during course of treatment. The allegation against the petitioner that they accompanied the co-accused namely Chuchu and were present at the time of occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is named as one amongst various persons including four named other accused persons who were present at the spot on the previous day when the quarrel had taken place. At best, the allegation is of being part of the unlawful assembly. Specific allegation is against co-accused namely Chuchu Prasad. The petitioner is a student and he is in custody since 27.04.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail application. The co-accused have been granted bail by Co-ordinate Benches of this Court vide order dated 15.09.2020 passed in Cr. Misc. No. 23524/2020 and vide order dated 15.12.2020 passed in Cr. Misc. no. 31854/2020.

Learned APP for the State opposes the prayer for bail petition.



In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Danapur P.S. Case No. 639/2019 to the satisfaction of the learned A.C.J.M.-I, Danapur, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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