

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16631 of 2021**

Arising Out of PS. Case No.-67 Year-2020 Thana- MADHUBANI TOWN District-
Madhubani

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SONU KUMAR @ SONU BARI Son of Prakash Bari, Resident of Bari Tola,
Bhavara, P.S.- Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 25-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 341, 323, 384,
379, 386, 504 and 34 of the Indian Penal Code; for offence
under Section 25(1-b) of the Arms Act and 8/12 of the POCSO
Act.

Prosecution case, in brief is that as per complaint
petition, it is alleged that on 19.12.2019 the daughter of
complainant/informant aged about 12 years was coming back to
her home and in course of that accused Sonu Bari caught hold
her with bad intention and attempted to take away her at lonely
place but the victim raised alarm to kill her if she complains



anywhere, the victim came her house and told full story to her father. When the complainant/informant went to the house of accused, the accused persons assaulted him and accused Sonu Bari pointed the pistol to forehead of the complainant/informant and threatened to kidnap and sell his daughter and other accused has also took Rs.1300/- from the pocket of the family member of the complainant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the occurrence took place on 19.12.2019 but Complaint filed on 06.01.2020 after delay of 17 days and there is no explanation for such delay. He submits that the FIR was instituted on 27.02.2020 against the petitioner after 70 days from the alleged occurrence and even the statement of the victim was recorded after nine months.

Learned counsel for the petitioner further submits that there is no incriminating articles has been recovered from the conscious possession of the petitioner. The petitioner is languishing in judicial custody since 28.09.2020. The petitioner has got 09 criminal antecedents, which is mentioned in para 3 of the bail petition. Charge sheet has been submitted in this case and charge is also framed against the petitioner.



Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case, 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 Madhubani Town P.S. Case No. 67/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be



cancelled.

(4) that 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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