

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21375 of 2021

Arising Out of PS. Case No.-77 Year-2019 Thana- GAYA KOTWALI District- Gaya

SONU KUMAR @ SONU @ CHHOTU RAWANI, Son of Vijay Prasad,
Resident of Mohalla - R.S. Road, Panchayatia Akhara, P.S.- Chandauti, Distt.-
Gaya, at Presently residing at Bangla Asthan, Maharani Road, P.S.- Kotwali,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
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 Section 394 of the Indian Penal Code
and Section 27 of the Arms Act.

Prosecution case, in brief, is that on 21.02.2019 when
the informant was returning from the Railway Station, Gaya at
about 3.15 am near Gurudawara turn, three unknown persons
looted his trolley bag, mobile and cash Rs.14,000/- on protest
they fired on the informant by which informant got injured on



his right palm and chest.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner was arrested on 12.03.2019 in connection with Kotwali P.S. Case No. 126/2019. During his arrest in the said case, the petitioner and others were remanded in the present case. He further submits that there is no recovery from the conscious possession of the petitioner. The petitioner is languishing in judicial custody since 27.06.2019. The petitioner has got 06 criminal antecedents which is mentioned in para 3 of the bail petition. The similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 18.06.2020 passed in Cr. Misc. No.75571/2019.

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 Kotwali P.S. Case No. 77/2019 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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