

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37500 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- AKILPUR District- Saran

SONU KUMAR S/O SHIRCHAN RAI R/o village- New Goshain Tola,
Sultanpur, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dewendra Narayan Singh
For the Opposite Party/s :	Mr. Manoj Kumar
	Mr. Raj Narayan Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, on 15.01.2020 at 5.20 AM son of informant was going to Kashim Chak for taking milk. When he reached near store of white sand, this petitioner along with other accused persons started snatching his money and when he refused, on the order of co-accused, Gopal Rai, Sirchan Rai, Harendra Rai and Nagendra Rai, co-accused, Chunnu Kumar along with other accused persons, including this petitioner, assaulted the informant's son by means of iron rod on his head as a result of which he died on the spot.



Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. The informant is not an eye witness of the occurrence and he reached at the place of occurrence after alleged assault and the informant saw this petitioner along with other accused persons fleeing away from the place of occurrence. It is submitted that there is general and omnibus allegation of assault against this petitioner and no specific overt act has been alleged against this petitioner. Petitioner claims clean antecedent and is in custody since 12.02.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-XI, Saran at Chapra in connection with Akilpur PS case No. 06/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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