

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37725 of 2020

Arising Out of PS. Case No.-352 Year-2019 Thana- SAHPUR District- Bhojpur

- =====
1. CHITUR SONAR Son of Kapildeo Sonar Resident of village - Shahpur, P.s. - Shahpur, District - Bhojpur
 2. SATYAPAL SONAR @ CHHOTAN SONAR Son of Kapildeo Sonar Resident of Village - Shahpur, P.S. - Shahpur, District - Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Adv.
	:	Mr.Pravin Kumar, Adv.
For the Opposite Party/s	:	Mr. Rajendra Nath Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-03-2021 Heard Ms. Vaishnavi Singh, learned counsel for the petitioners and Mr. Rajendra Nath Sinha, learned counsel for the informant. The state is represented by Mr. Ram Priya Sharan Silngh, learned APP.

The petitioners seek bail in connection with Shahpur P.S. Case No. 352 of 2019 dated 19.12.2019 instituted for the offences under Sections 307, 302, 386 and 34 of the Indian Penal Code and Section 25(1-b)a, 26, 35 and 27 of the Arms Act.

It has been alleged in the First Information Report



that on the exhortation of one Kapildeo Sonar, co-accused Mantu Sonar fired from his pistol which hit Jyoti Kumar Gupta, the brother of the informant as a result of which he dropped down dead. He was also fired at by one Ravi Nandan Sonar. One of the servants of the informant, namely, Chhotu Mahto was also fired at by Dinesh Sonar as a result of which he also died. Later, the petitioner no. 1 is said to have told the other accused persons to move away from the place of occurrence as the work had been completed. However, on exhortation of Mantu Sonar, the accused persons stayed back and started firing in order to effect their escape.

The cause of occurrence is old enmity and litigation between the parties.

The learned counsel for the petitioners has submitted that in view of the admitted enmity between the parties, such false implication as has been made in the present case cannot be ruled out. Apart from this, it has been submitted that so far the petitioners are concerned, no overt act has been attributed against them except for



petitioner no. 1 who had said that the job is over and that the accused person must leave the place of occurrence. Learned counsel for the petitioners has also drawn the attention of this Court to various other redeeming features of the case especially the time of holding inquest and the postmortem and suggested to this Court that the entire F.I.R. is ante-dated.

It has also been submitted that the Kapildeo Sonar, the accused person who had exhorted the killing of the deceased persons had been granted bail by a Bench of this Court vide order dated 05.03.2021 passed in Cr. Misc. No. 36882 of 2020.

The petitioners are in custody since 24.01.2020 and 29.05.2020 respectively.

The petitioner no. 1 is shown to have been made accused in seven cases, out of which, three cases are between the same set of parties and five of the cases have ended in submission of final report false. In the two remaining cases, the petitioner no. 1 is on bail. Similarly, the petitioner no. 2 has been made accused in six cases, out of



which, five cases have ended in submission of final report false in his favour. In one remaining case, the petitioner no. 2 is on bail.

Learned counsel for the informant has submitted that in this case charges have already been framed.

Considering the afore-noted facts, the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -I, Bhojpur at Ara, in connection with Shahpur P.S. Case No. 352 of 2019 subject to the following conditions:-

(i) that one of the bailors shall be a close relative of the petitioners;

(ii) that the petitioners shall, at the time of furnishing their bonds, give their mobile telephone numbers as well as the mobile telephone numbers of their bailors, which telephone numbers shall be kept in operative



condition till the conclusion of the trial;

(iii) that the petitioners shall not leave the territorial confines of the Court which is trying the offence, without the consent of the Trial Court sought in advance; and

(iv) that the petitioners shall also get their presence marked before the Officer-in-Charge of the concerned police station on the first Monday of each month. The Officer-in-Charge of the concerned police station is directed not to detain the petitioners in the police station unnecessarily.

(Ashutosh Kumar, J)

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