

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2248 of 2021

Arising Out of PS. Case No.-573 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Sonu Kewat, son of Late Ramlagan Kewat, R/O Mohalla-Tehta Malahtoli,
P.S.- Makdumpur, District-Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2021 This matter has been taken up today for consideration through video conferencing in view of resurgence of COVID-19 Pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Makhdumpur P.S. Case No.573 of 2019 instituted for the offence punishable under Sections 395, 396, 397 of the Indian Penal Code and Section 27 of the Arms Act.



5-6 unidentified persons have entered the house of the informant through terrace. After shooting her husband, who has died, they have indulged in loot of various articles.

The allegation is that the perpetrators are in the age group of 25-28 years and had their faces covered.

Keeping in view the allegations, the petitioner's counsel submits that none has been named in the F.I.R. Narration of the occurrence is such that there is no chance of identification of the petitioner and till date, petitioner has not been put on T.I.P. His submission is that on the basis of extra-judicial confessional statement of one co-accused from whose possession certain looted articles have been recovered, the petitioner has been implicated. Prior to the instant case, the petitioner was accused in Makhdumpur (Tehta O.P.) P.S. Case No.184 of 2016 under the provisions of the Bihar Prohibition and Excise Act. Subsequent to his arrest in the instant case, he has been remanded in Makhdumpur P.S. Case No.248 of 2020. Other co-accused persons from whose possession recovery was made and are similarly situated have been allowed bail in Cr.Misc. Nos.24891, 25744, 36417, 30483 and 33981 all of the year 2020, vide Annexure 2 series to the supplementary affidavit. The petitioner is in custody since 06.07.2020,



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, 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 the learned Sub-divisional Judicial Magistrate, Jehanabad, in connection with Makhdumpur P.S. Case No.573 of 2019, subject to the following conditions:

(i) That one of the bailors of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

This Court would expect that the petitioner's



counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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