

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8173 of 2021**

Arising Out of PS. Case No.-155 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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SONU KUMAR, S/o Shivji Kumar, Resident of Mohalla- Kalibagh, P.S.-
Bettiah Town (Kalibagh O.P.), Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 01-12-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest

bail in connection with Bettiah Town P.S. Case No.155/2018

registered for the offences punishable under Sections 147, 148,

149, 323, 307, 324 and 337 of the Indian Penal Code.

As per the prosecution story, on 02.03.2018 at 6.30

pm while the informant was sitting along with his nephew

Saheb Alam near a mosque, all the accused persons including

this petitioner came there and started abusing the informant and



his nephew. It is alleged that when the informant made protest then the co-accused Rahul Kumar inflicted knife blow on the head of the informant with an intention to kill him and caused him head injury. The co-accused Suraj Kumar caught hold of his nephew Saheb Alam and co-accused Mithu Kumar gave knife blow on the head of his nephew with intention to kill him as a result of which both the informant and his nephew sustained injury and fell down. It is further alleged that all the accused persons assaulted the informant and his nephew with bricks also.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no specific allegation of causing any overt act against this petitioner. It is submitted that the petitioner has no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the uncontroverted submission of petitioner that there is no specific allegation of causing any overt act is there against this petitioner, in the FIR although 7 persons are named but the specific allegation of assault has been made against co-accused Rahul Kumar, Suraj Kumar and one



Mithu Kumar, the petitioner has otherwise no criminal antecedent, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Bettiah Town P.S. Case No.155/2018 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

