

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10895 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- SASARAM NAGAR District- Rohtas

BABU @ GOVIND SONKAR SON OF LATE BHARAT SONKAR R/O
MOHALLA- TAKIYA, WARD NO. 1, POLICE STATION - SASARAM
TOWN, DIST.- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Sasaram (T) PS Case No. 328 of 2020 registered under Sections 147, 148, 149, 341, 324, 307 of the IPC and Section 27 of the Arms Act.

The case of the prosecution is that the petitioner along with others have surrounded informant's son while he was on his way. Petitioner has allegedly fired upon chest of informant's son.

Learned Counsel for the petitioner submits that no such occurrence has taken place. The informant, as per prosecution case, cannot be an eye witness to the occurrence. It is further submitted that falsity of the allegation is evident from the charge-sheet (Annexure 4) where it has been noted that no injury report was available. Still charge-sheet has been submitted. Based on earlier



enmity the petitioner was implicated. Parties have since compromised the issue. Petition of compromise is Annexure 3 to the bail application. The petitioner has no criminal antecedent whereas the alleged victim is accused in another case lodged by brother of the petitioner. The petitioner is in custody since 8.7.2020 i.e. the date on which he has surrendered in the court below.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Rophtas at Sasaram in Sasartam (T) PS Case No. 328 of 2020 subject to the following conditions:-

(i) That one of the bailors 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 bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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