

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3558 of 2022

Arising Out of PS. Case No.-280 Year-2019 Thana- BARAUNI District- Begusarai

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SOHAN KUMAR Son of Late Ganga Kunwar R/o Village- Bihar
Khemkaranpur, P.s. Barauni, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second attempt of the petitioner to approach before this Court for bail. Earlier, vide order dated 02.09.2021 passed in Cr. Misc. No. 7614 of 2021, the prayer for bail of the petitioner was rejected.

Vide order dated 02.02.2022, a report was called for regarding the stage of the trial and the time likely to be taken in conclusion of the trial.

In compliance thereof, the learned Additional District and Sessions Judge-I-cum-Special Judge, N.D.P.S. Act, Begusarai has, *inter alia*, reported that at least nine months would be required for final disposal of the said case.

The petitioner seeks bail in a case registered for the



offences punishable under Sections 147, 148, 149, 307, 302 & 120 B of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case as there is long standing enmity between the parties. It is further submitted that no incriminating material has been collected against the petitioner during course of investigation. It is also submitted that similarly situated co-accused, namely, Bhola Kunwar @ Bhola Kumar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 18.05.2021 passed in Cr. Misc. No.1734 of 2021. Petitioner has no criminal antecedent and has been languishing in custody since 05.02.2020.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Barauni P.S. Case No.280 of 2019, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J.)

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