

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10118 of 2022**

Arising Out of PS. Case No.-324 Year-2019 Thana- LALGANJ District- Vaishali

SONU KUMAR S/O BANARASH RAY R/o village- Keshopur, P.O.-
Balukaram, P.S. and Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 05-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Lalganj
P.S. Case No. 324 of 2019 registered for the offence under
Sections 394 and 412 of the Indian Penal Code and Section 27
of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 21.08.2021.

The allegation against the petitioner is to commit
dacoity along with co-accused persons, while committing so
taken away valuables articles and golden jewelry alongwith cash
of Rs. 5,00,000/- of the informant.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Chandan Kumar, leading no recovery, which may incriminate the petitioner with the present set of occurrence. It has further been submitted that the petitioner is named in 07 criminal miscellaneous cases, in which, he is on bail in 05 cases. It has further been submitted that co-accused, namely, Chandan Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 81915 of 2019 dated 11.12.2019. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during course of investigation, in furtherance of confessional statement of co-accused, namely, Chandan Kumar, which may implicate the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lalganj P.S. Case No. 324 of



2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IXth, Vaishali at Hajipur, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Munna Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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