

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9719 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- MATIYARIA District- West Champaran

Sonu Nigam Kumar @ Sonu Nigam Son of Rajesh Mahato R/O Village-
Bankatwa, P.S.- Gobardhana, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Matiyariya P.S. Case No. 90/2021 registered for the offences
punishable under Sections 399, 402, 341, 323, 353, 427, 307,
504 of the Indian Penal Code U/S 25(1-b)a, 26, 35 of the Arms
Act and Sections 30(a), 37(c) and 45 of the Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery of
one country made loaded pistol and two live cartridges from the
pocket of the petitioner and also recovered 1.5 liters liters of
country made steam liquor from one motorcycle in question and
01 liter country made steam liquor from another motorcycle in



question. The accused persons including the petitioner assaulted the police party during vehicle checking and the petitioner including two other accused persons also apprehended on spot and others managed to escape and they were drunken condition.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. There is neither specific allegation of assault attributed to the petitioner nor even any of the seized materials including the motorcycles in question belong to the petitioner. Nothing has been recovered from the conscious possession of the petitioner. He further submits that from perusal of the FIR itself, it appears that the Butt of police rifle was damaged during the alleged incident and as such one can easily imagine as to how the police would have used the Butt of rifle and also as to why the police has lodged the false case. The petitioner is languishing in custody since 28.10.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and



keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Matiyariya P.S. Case No. 90/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

