

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10263 of 2022**

Arising Out of PS. Case No.-156 Year-2021 Thana- KATHAIYA District- Muzaffarpur

Sonu Nigam @ Sonu Kumar Son of Loha Ray @ Loha Singh Resident of
Village- Mahual, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.APP

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

3 26-11-2022 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 Kathiya
P.S. Case No. 156 of 2021 registered for the offence under
Section 394 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 16.12.2021.

The allegation against the petitioner is to commit
robbery, along with other co-accused persons, and while
committing so taken away cash of Rs. 3480/-, one MI mobile
phone and the key of motorcycle of the informant. It is further
alleged that miscreants committed present occurrence with blue



color motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of police spy, for the reason that one blue color Apache motorcycle is available in his family. It is submitted that in want of registration no. and in want of IMEI no., the petitioner cannot be connected with the present set of occurrence/robbery. It is further submitted that petitioner was not put on TIP, as yet. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing surfaced/recovered, during the course of investigation, to connect this petitioner, *prima facie*, with alleged motorcycle and mobile phone which was recovered from his possession in terms of allegation 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 Kathiya P.S. Case No. 156 of 2021 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-IVth, Muzaffarpur/concerned Court, subject to the following conditions:

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

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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