

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11108 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- CHAUSA District- Madhepura

Sonu Kumar @ Sunny Son of Salen Yadav @ Shalendra Yadav Resident of
Village- Jhanjhari, Police Station- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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 Chausa
P.S. Case No. 57 of 2021 registered for the offence under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.06.2021.

The allegation against the petitioner is to make
preparation to commit dacoity alongwith other co-accused and
three live cartridges have been recovered from the possession of
the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that there is nothing on record which may suggest, *prima facie*, that the petitioner was involved with other co-accused present in the preparation to commit dacoity. It has also been submitted that petitioner has been implicated falsely in six more cases after the present case, as mentioned in paragraph no.3 of the bail petition and in most of the cases, name of the petitioner surfaced on the basis of confessional statement of the co-accused. While concluding the argument, it has also been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. It has further been submitted that similarly situated co-accused, namely, Babla Yadav has already been granted bail by a learned Co-ordinate Bench of this Hon'ble Court vide order dated 13.06.2022 passed in Cr. Misc. No. 11763 of 2022.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that participation was only of four persons, as appearing from bare perusal of the F.I.R.

Considering the facts and circumstances as mentioned above, as there is nothing on record which may suggest the participation of the petitioner in the preparation of dacoity coupled with the fact that chargesheet has already been



submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Chausa P.S. Case No. 57 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 Sessions Judge-VI, Madhepura, 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 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.

(ii) That one of the bailors shall be Shailendra Yadav, father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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

