

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21093 of 2022

Arising Out of PS. Case No.-205 Year-2017 Thana- RAJAON District- Banka

Sonu Kumar @ Sonu Mandal S/o Prakash Mandal R/o village- Bhagwanpur,
P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratyush Pratap Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Pratyush Pratap Singh, learned counsel for the petitioner as well as Mr. Shantanu Kumar, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Rajaoun P. S. Case No. 205 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 02.06.2017 this petitioner was thrashing the dog of the informant, which was protested by the informant's family



members whereupon, all the F.I.R. named accused persons including this petitioner assaulted the informant's father, uncle and brother due to which all of them sustained serious injuries. It is further alleged that on account of assault the father of the informant fell unconscious thereafter, he was taken to hospital where he died.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that there is general and omnibus allegation against all the F.I.R. named accused persons, however the injury inflicted upon uncle and brother of the informant are concerned, they have been found simple in nature, so far the injury of the deceased is concerned, doctor has found only one lacerated wound and one abrasion on the head of the deceased caused by the hard and blunt substance and not by a sharp edged weapon. It is further submitted that other accused persons having identical allegation has been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 43117 of 2019 vide order dated 03.09.2019 as also in Cr. Misc. No. 2823 of 2019 vide order dated 22.01.2019. The copies of which have been brought on record by way of annexure 3 & 4 to this application. It is next submitted that the petitioner is in custody



since 09.02.2022.

On the other hand, learned APP for the State opposes the bail application and submits that in fact, this petitioner is instrumental in causing the occurrence which led to death of father of the informant. It is further submitted that the petitioner remained absconded about four years. In response to the aforesaid contention, learned counsel for the petitioner submits that the petitioner was pursuing his remedy before this court and his anticipatory bail application was pending and as such, delay has occurred.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that the other accused persons having identical allegation have already been granted bail by learned co-ordinate Bench of this Hon'ble Court and this petitioner is in custody since 09.02.2022, having a man of fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka (District- Banka) in connection with Rajaoun P. S. Case No. 205 of 2017, subject to the condition that one of the bailors will



be the close relative of the petitioner with further conditions
which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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