

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23149 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- KANTI District- Muzaffarpur

SONU KUMAR SON OF RAMNATH TIWARY R/O VILLAGE- SERNA,
P.S.- KANTI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-09-2022 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 Kanti P.S. Case No. 75 of 2022 registered for the offences punishable under Sections 393, 120B of Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act and Section 37(C) of Bihar Prohibition and Excise Act.

As per prosecution case, accusation against the petitioner is that he was found sitting alongwith others in a car and a pistol and two cartridges were recovered from the pocket of present petitioner Sonu Kumar. It is also alleged that smell of liquor was coming from the mouth of petitioner and others.



Learned counsel for the petitioner submits that petitioner is in custody since 07.02.2022. Petitioner bears one criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has falsely been implicated in this case by the local police and has not committed any offence as alleged in the F.I.R. Co-accused Ajit Kumar alias Ajit Kumar Thakur has already been granted bail vide Cr. Misc. No. 30498 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands more or less on similar footing.

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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties 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) Court No. II, Muzaffarpur in connection with Kanti P.S. Case No. 75 of 2022, 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 without appropriate permission 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)

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