

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43614 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- KATIHAR NAGAR District- Katihar

1. SURYA SONKAR @ SURAJ SONKAR Son of Late Siya Ram Sonkar Resident of Village - Driver Tola, P.S.- Masahi (N), Distt.- Katihar.
2. Vinod Sonkar Son of Late Siya Ram Sonkar Resident of Village - Driver Tola, P.S.- Masahi (N), Distt.- Katihar.
3. Rajesh Sonkar Son of Vinod Sonkar Resident of Village - Driver Tola, P.S.- Masahi (N), Distt.- Katihar.
4. Raja Sonkar Sonof Vinod Sonkar Resident of Village - Driver Tola, P.S.- Masahi (N), Distt.- Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s :		Mr.Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-04-2022 Heard learned Senior Counsel appearing on behalf of
the petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with
Katihar Nagar P.S. Case No. 33 of 2021, for the offence
punishable under Sections 147, 148, 149, 341, 323, 324, 307
and 506 of the Indian Penal Code.

The prosecution story, in brief, is that on 20.01.2021,
all the accused persons named in the F.I.R. including the



petitioner assaulted Shrawan Chouhan, brother of informant, by means of iron-rod, bamboo, bricks and sharp cutting weapons. On hulla, informant reached there to save his brother, who was also assaulted. Thereafter, brother of the informant was brought to Sadar Hospital, Katihar from where he was referred to K.M.C.H and from there he was sent to Bhagalpur Hospital.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that there are general and omnibus allegation against the petitioners. He further submits that informant is not the eye-witness of the occurrence. The petitioners have clean antecedent and they are in custody since 21.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that in course of investigation the witnesses have fully supported the case of prosecution and in paragraph No. 53 and 54 witnesses have stated that they saw blood stained rod in the hand of Suraj Sonkar and others as such petitioners does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, there is general and omnibus



allegation against the petitioners, the petitioner Nos. 2, 3 and 4 namely, Vinod Sonkar, Rajesh Sonkar and Raja Sonkar are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Nagar P.S. Case No.33 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioners are found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

So far as Surya Sonkar @ Suraj Sonkar (Petitioner No.1) is concerned, considering the serious nature of allegation against the petitioner No.1 Surya Sonkar @ Suraj Sonkar, I am not inclined to enlarge the petitioner on bail, at this stage.



Accordingly, his prayer for grant of regular bail is **rejected**.

However, the learned trial Court is directed to conclude the trial expeditiously, well within a period of six months. If no substantial progress takes place in trial, the petitioner, if so advised, may renew his prayer for bail after six month.

(Purnendu Singh, J)

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