

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35830 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- CHANDI District- Bhojpur

Sonu Kumar Son Of Ghurendra Pandit @ Chameli @ Surendra Pandit R/O-
Vill-Chandi, P.S.- Chandi, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chandi P.S. Case No. 92 of 2022 lodged under Sections 302/34
of the I.P.C.

As per the prosecution case, the informant has said
that at about 3 p.m. on 01.04.2022 his son was going to
Khulriya station with his tempo, in the way the 5 named accused
persons were coming in E-rickshaw and the said E-rickshaw
collided with tempo and, therefore, a quarrel took place and all
5 accused persons assaulted the deceased brutally, in result he
became unconscious and subsequently after reaching the
hospital he was declared dead.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no crime. He submits that as per the post-mortem report in Annexure-2, there is only 1 injury on the body of the petitioner. He further submits that both the parties have filed a compromise petitioner. He further submits that the petitioner is in custody since 02.04.2022, having clean antecedent and charge sheet has already been filed. He further submits that out of 5 accused persons, one granted bail vide order dated 31.01.2022 by the Co-ordinate Bench of this court by Cr. Misc. No. 31787 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that there is one injury on head and 3 injuries on the body of the diseased.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail at present but trial court is directed to release on after framing the charge after conditions that he shall let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Vth, Bhojpur (Ara) in connection with Chandi P.S. Case No. 92 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with

other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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