

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36763 of 2022

Arising Out of PS. Case No.-489 Year-2017 Thana- GARKHA District- Saran

Sonu Kumar Singh @ Sonu Singh Son Of Late Randhir Singh R/O-Vill-
Vajitpur, P.S.-PARSA, Dist.- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2022 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. Harish Kumar, learned counsel for the petitioner as well as 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 Garkha P. S. Case No. 489 of 2017 registered for the offences punishable under Sections 397 and 302 of the Indian Penal Code and Section 27 of the Arms Act, however, later on, after completion of the investigation, charge sheet has been submitted under Section 396 and 397 of the Indian Penal Code.



As per the prosecution case, it is alleged that the police, on a secret information with regard to the murder of a person, reached at the place of occurrence and found a dead body near the bridge and one Maruti vehicle parked there were also recovered. The police party were informed by the nearby people that some miscreants looted the cash, which was carried in the said vehicle and in course of loot, they killed the person, who died at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown miscreants and during the course of investigation, the name of the petitioner has surfaced on the confessional statement of co-accused Chhotu Rai and Kundan Kumar, however, both the accused persons have already been granted bail by learned co-ordinate Benches of this Hon'ble Court. The copies of which have been annexed as annexure 3 series to this application. It is also submitted that during the course of investigation, no incriminating material has been recovered from the person or possession of the petitioner nor he has been put on Test Identification Parade, though, he is in judicial custody since 17.03.2022. It is last submitted that besides the present one, the petitioner is named in Persa P. S. Case No. 110



of 2016 registered under Section 30(a) of the Bihar Prohibition and Excise Act and he is on bail in the said case.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has transpired on the confessional statement of the co-accused persons, who have already been allowed privilege of bail by learned coordinate Benches of this Hon'ble Court and the petitioner has neither put on Test Identification Parade nor any incriminating material has been recovered from the person or possession of the petitioner, 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 Additional Chief Judicial Magistrate -II, Saran at Chapra in connection with Garkha P. S. Case No. 489 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.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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