

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48533 of 2021

Arising Out of PS. Case No.-231 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SONU THAKUR @ SONU KUMAR THAKUR @ SONU KR. THAKUR
Son of Ravi Thakur @ Ravi Jha @ Rabbi Thakur Resident of Village - Badi
Egha, P.S.- Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs. Asha Devi, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Begusarai (Muffasil) P.S. Case No. 231 of 2018 for the offence
punishable under Sections 302/201/34 of the Indian Penal Code.

Earlier the bail application of the petitioner was
rejected vide order dated 09.09.2020 passed in Cr. Misc. No.
3453 of 2020. The present bail application has been filed in
view of the liberty given to the petitioner to renew his bail
application, if the trial is not concluded within nine months.



A report was called for from the court below and it has been informed to this Court that the case is fixed for commitment and the next date fixed in this case on 06.04.2022. The said report is contained in Letter No. 41 of 2022 dated 02.04.2022 submitted by the learned Judicial Magistrate 1st Class, Begusarai.

This Court would not have interfered considering the fact that this Court had applied its mind and after proper appreciation of the facts had rejected the bail, but in view of the observation made in order dated 09.09.2020, petitioner who is an under trial has renewed his prayer after completion of period and as per the above report dated 02.04.2022, trial is at the stage of commitment and for the said reason, the matter for bail is being considered by this Court.

Prosecution story, in brief, is that the deceased boy had gone with the accused persons to attend a Tilak ceremony and thereafter, it is alleged that his dead body was found on the side of the State Highway. Thereafter, F.I.R. was lodged against unknown.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel further submits that



after rejection of the bail application of the petitioner vide order dated 09.09.2022 passed in Cr. Misc. No. 3453 of 2020, another co-accused namely Abodh Jha against whom there is similar allegation of taking the son of one Deji Devi to attend Tilak Ceremony and was last seen in the company of the deceased has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 04.01.2021 passed in Cr. Misc. No. 13287 of 2020. The case of the petitioner stands on similar footing. There is no eye witness to the alleged occurrence. Petitioner has clean antecedent and is in custody since 21.10.2019.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner and similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Begusarai in connection with Begusarai (Muffasil) P.S. Case No. 231 of 2018, subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

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

(3) If the petitioner tampers 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 petitioner.

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

(Purnendu Singh, J)

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