

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42807 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- ANDHRAMATH District- Madhubani

SONU KUMAR DAS Son of Shiv Shankar Das Resident of village- Mathi
P.S- Andhramath, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-11-2022 Heard both sides.

The petitioner apprehends his arrest in connection with Andhramath P.S. Case No.113 of 2021, registered for the offences punishable under Sections 387, 307 and 34 of the Indian Penal Code as well as under Section 27 of the Arms Act.

Learned counsel for the petitioner undertakes to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is said to have ordered the co-accused, Pankaj Das to kill the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that occurrence took place on 19.09.2021, but the FIR was lodged on 26.09.2021, after delay of



more than seven days and there is no explanation of delay in filing the FIR, which creates a serious doubt on the veracity of the prosecution case. Learned counsel for the petitioner submits that from perusal of the order impugned, it is clear that petitioner is only the order giver. No specific overt act is alleged against the petitioner. It is submitted that chargesheet has been submitted against co-accused, Pankaj Das and the police did not find the case true against the petitioner.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Considering the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released 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 learned Additional Chief Judicial Magistrate, Jhanjharpur in connection with Andhramath P.S. Case No.113 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

Sanjay/-

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