

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47940 of 2022**

Arising Out of PS. Case No.-1 Year-2021 Thana- AKBARNAGAR District- Bhagalpur

Sonu Kumar Son of Subodh Yadav Resident of Village - Sahebganj, P.s.-
University, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Session Trial No. 406/2022 arising out of Akbarnagar P.S. Case No. 01/2021 registered for the offences punishable under Section 384, 385, 307/34 of the Indian Penal Code and Section 27/25(1-b)a, 26/35 of the Arms Act. He is in custody since 20.03.2022 having two criminal antecedent.

As per the prosecution story, the informant alleged that on 01.01.2021 three persons came on a motorcycle at his petrol pump and took petrol of Rs. 500/- and demanded money but one of them was caught. It is alleged that the apprehended



persons disclosed his name as Sourav Kumar and the name of the co-accused as Rohit Kumar and Sonu Kumar, later on Rohit Kumar was apprehended by police.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the co-accused Rohit Kumar and Sourav Kumar have been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 40820/2021 and Cr. Misc. No. 46361/2021 respectively.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner was not arrested on the spot and his name has transpired in the statement of the apprehended accused Sourav Kumar, the two accused who were apprehended on the spot namely, Rohit Kumar and Sourav Kumar have been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 40820/2021 and Cr. Misc. No. 46361/2021 respectively, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties



of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, Bhagalpur in connection with Session Trial No. 406/2022 arising out of Akbarnagar P.S. Case No. 01/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 steps for cancellation 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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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