

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.60666 of 2021

Arising Out of PS. Case No.-383 Year-2020 Thana- DESARI District- Vaishali

Sonu Kumar @ Sonu, S/o Late Suresh Bhagat, R/o village- Murauatpur, P.S.-
Desari, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 15-04-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Desari P.S. Case No. 383 of 2020 for the
offences punishable under Sections 399, 402, 414 of the Indian
Penal Code and Sections 25(1-b) a, 26/35 of the Arms Act.

As per the prosecution case, it is alleged that on secret
information regarding assemblage of some criminals, the police
raided the place of occurrence and three persons were
apprehended and on search incriminating materials have been



recovered.

It is submitted on behalf of learned counsel for the petitioner that the name of the petitioner transpired on the confessional statement of co-accused Rahul Kumar, however, this petitioner has no concern with the persons, who were apprehended nor any concern with the alleged recovery. It is further submitted that nothing has been recovered from the person or possession of this petitioner, apart from the fact that investigation has already been concluded and the charge-sheet has also been submitted in this case and this petitioner is in custody since 15.06.2021. It is lastly submitted that one of the co-accused, namely, Nitish Kumar, who was apprehended by the police, has already been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 21652 of 2021 vide order dated 24.09.2021, as contained in Annexure-2 to this application.

On the other hand, learned APP for the State opposes the bail application and drawn the attention of this Court towards the criminal antecedent of the petitioner, as he has been found involved in six other criminal cases. In reply to the aforesaid statement, learned counsel for the petitioner submits that out of six cases, the petitioner is on bail in three cases and in most of the cases he has been remanded from different cases.



Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has come on the confessional statement of co-accused and no incriminating material has been recovered from the person or possession of this petitioner, apart from the fact that investigation has already been concluded and charge-sheet has also been submitted in this case and the petitioner is in custody since 15.06.2021, let the petitioner, named above, 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 Additional Chief Judicial Magistrate-XV, Vaishali at Hajipur in connection with Desari P.S. Case No. 383 of 2020 subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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