

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61383 of 2021**

Arising Out of PS. Case No.-671 Year-2020 Thana- DANAPUR District- Patna

Sonu Kumar @ Sonu Kumar Khesari @ Sonu Kumar Kesari S/O Late
Gurudeo Sao Resident of Bhata Road, Maida Toli, P.S.- Danapur, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 29-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Danapur
P.S Case No. 671 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.



The accused/petitioner is not named in the F.I.R. and is in custody since 06.12.2020.

The allegation against the petitioner is to commit murder of son of the informant, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, where entire allegation is based upon suspicion. It is submitted that, even, the CCTV footage, where it has been claim that petitioner was last seen with deceased, is not disclosing the name of the witnesses. It is submitted that CCTV footage was stored in pen drive, but no mandatory certificate in terms of Section 65B of the Indian Evidence Act was procured, creating serious doubt, as regard to this electronic evidence. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that informant is not the eye witness of the occurrence and chargesheet has been submitted without obtaining the mandatory certificate in terms of Section 65B of the Indian Evidence Act.



In view of the facts and circumstances, as mentioned above, as allegation is based upon suspicion, where informant is not the eye witness of the occurrence coupled with the fact that chargesheet has been submitted without obtaining the mandatory certificate in terms of Section 65B of the Indian Evidence Act, as regard to collection of electronic evidence, let the petitioner, above named, is directed to be released on bail in connection with Danapur P.S Case No. 671 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Danapur, Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Usha Devi, who is the mother of the



petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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