

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52965 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- VAISHALI District- Vaishali

SONU KUMAR Son of Vimlesh Singh Resident of Village - Kataru Chak
Mahamad, P.S.- Vaishali (Belsar O.P.), District – Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Vaishali
(Belsar O.P.) P.S. Case No. 182 of 2022 registered for the offences
punishable under Sections 341, 323, 384, 385, 386, 504, 506 and
34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, petitioner alongwith his
father and two unknown persons came on two motorcycles. It is
further alleged that they stopped their motorcycles near the house
of informant and all the accused persons tried to catch the
informant then informant ran towards his house and at the same
time present petitioner Sonu Singh fired three-four gun shots upon



the informant. It is further alleged that informant in order to save his life entered in his house and closed the door then all the accused persons tried to break the door of his house. On hearing hulla nearby people assembled there then petitioner alongwith other co-accused persons fled away. It is further alleged that petitioner is a man of criminal nature and he went jail in case of robbery and he always used to demand Rs. 500 and Rs. 1000 as money of ransom for eating and drinking and when the informant refused to pay money of ransom, petitioner committed the said occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 28.05.2022. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that the allegation as narrated in the FIR has clearly falsified by the declaration as mentioned in Para 3 of bail petition that petitioner bears no criminal antecedent. Learned counsel for the petitioner orally submits that on the basis of impugned order there is no any evidence that firing material was recovered from the place of occurrence. He further submits that informant sustained no injury so far as allegation of firing is concerned and it is highly improbable that petitioner who was on motorcycle alongwith his father committed the occurrence of said



nature for demanding money of ransom for eating and drinking. Petitioner is quite innocent and has been falsely implicated in the present case due to previous enmity.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 182 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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