

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69221 of 2021**

Arising Out of PS. Case No.-165 Year-2020 Thana- KANTI District- Muzaffarpur

Sonu Kumar, Son Of Tuntun Paswan, Resident of Village - Sadatpur, P.S.-
Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 26-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kanti P.S. Case No. 165 of 2020 registered for the alleged offences under Sections 394 & 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, three motorcycle borne miscreants tried to snatch the motorcycle of the informant and on resistance of the informant shot at him on his neck. The name of the petitioner transpired as one of the accused persons during investigation.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he has no role or involvement in the alleged occurrence. The petitioner is not named in the FIR and nothing incriminating has been recovered from his conscious possession. He has not been put to Test Identification Parade. No cogent material has come against this petitioner during investigation. The petitioner has been named in this case in the confessional statement of co-accused Rakesh Kumar and later on his confession was also extracted by the police. Except for this confessional statement, there is nothing against the petitioner. The charge sheet has been submitted. The petitioner is in custody since 16.03.2020, though it has been wrongly mentioned as 04.02.2021 in paragraph 9 of the bail petition.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner has confessed his guilt and while committing robbery, the accused persons fired upon the informant and luckily he was saved. The petitioner has got criminal antecedents.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner or at his instance and further considering the lack of material against the petitioner to



connect him with the crime and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur, in connection with Kanti P.S. Case No. 165 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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