

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3697 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Sonu Kumar @ Amit Kumar, Son of Kirani Prasad @ Kirani Prasad Singh,
Resident of Village - Mahrath, P.S.- Kashichak (Shahpur O.P.), District -
Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and

learned APP for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Shekhopur Sarai P.S. Case No. 155 of 2022
registered for the alleged offences under Sections Sections
420, 379, 411 and 34 of the Indian Penal Code and under
Sections 4 and 22 of Mines and Minerals Development and
Regulation Act and 11 and 43 Bihar Minerals Concession,
Prevention of Illegal Mining, Transportation and Storage
Rules 2019 and 56 B.M. (CPIMTS) Rule 2021.



As per prosecution case, co-accused Shri Ram Kumar was apprehended with a stolen motorcycle and petitioner is stated to have been riding pillion who fled away on seeing the police party. During investigation it also came to notice that the co-accused was a member of a gang along with other F.I.R. named co-accused persons who used to indulge in illegal transaction of sand business.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired during investigation on the basis of disclosure by the co-accused Shri Ram Kumar who is on adversarial terms with this petitioner. The petitioner was not arrested from the spot and no recovery has been made from his conscious possession. The petitioner has not been put to any Test Identification Parade. The petitioner has no concern with the co-accused and this fact is also apparent from the F.I.R. as the petitioner was not named as one of the members of the gang though eight persons have been named. There is no cogent material against the petitioner for any of the offences as alleged. Charge sheet has been submitted in this case and the petitioner is in custody since 31.10.2022. However, due to family dispute a case has been



registered against him by his agnates.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of distinct material against the petitioner to connect with the offence as alleged and also considering the vague nature of allegation against the petitioner, the petitioner above named 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 Chief Judicial Magistrate, Sheikhpura in connection with Shekhopur Sarai P.S. Case No. 155 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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.

(Arun Kumar Jha, J)

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