

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12902 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

SONU KEWAT Son of Late Ram Lagan Kewat Resident of Village and Post-
Tehta, P.S.- Makhdumpur, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
08.10.2022, in connection with Makhdumpur P.S. Case No. 438 of
2022, F.I.R. dated 13.07.2022 registered for the offences
punishable under Sections 341, 323, 324, 307/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 12.07.2022
the informant's cousin brother Rahul Kumar was playing card
with his friends and in the meantime a scuffle took place between
them then the accused Praduman Kumar provided arms to the
petitioner Sonu Kewat who had fired upon the cousin brother of
the informant namely Rahul Kumar due to which he sustained
grievous injuries.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that as per allegation in the F.I.R. that co-accused person has provided the arms to the petitioner and the petitioner had fired upon the victim and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.10.2022.

Learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail and submits that there is direct and specific allegation against the petitioner that he had fired upon the victim and the injury report of the victim also supported the allegation as alleged in the F.I.R.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II, Jehanabad in connection with Makhdumpur P.S. Case No. 438 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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