

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10381 of 2023

Arising Out of PS. Case No.-327 Year-2022 Thana- KASBA District- Purnia

Sonu Kumar, S/O Late Villat Sah, R/v- Fulbaria, P.S.- Kodha, District-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N. K. Agrawal, Sr. Advocate
	Mr. Kumar Praveen, Advocate
	Ms. Diksha Kumari, Advocate
For the Opposite Party/s :	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-05-2023 Heard Mr. N. K. Agrawal, learned senior counsel

duly assisted by Ms. Diksha Kumari, learned counsel appearing

on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kasba P.S. Case No. 327 of 2022 registered for
the offence punishable under Sections 394/411 of the Indian
Penal Code.

It is alleged that while the informant along with his
cousin was going to market on a motorcycle, in the meantime,
two persons came on a motorcycle overtook them and snatched
their purse containing Rs. 2,350/- and Rs. 900/- respectively and
other belongings. It is further alleged that while the accused
persons were fleeing, they were apprehended with the help of
passers-by and the looted purse/amount as well as mobile was



recovered from the possession of the petitioner and another co-accused person.

Learned senior counsel drawn the attention of this Court towards the FIR and submits that from the FIR it is evident that for the purposes of Section 394, causing voluntarily hurt is a pre-condition, which is not present in the present case and, as such, Section 394 is not made out. Further submission has been made that so far Section 411 is concerned, i.e. triable by the Magistrate. It is next submitted that in fact the petitioner as well as the informant both were going on two different motorcycles and in the way some accident took place which enraged the informant resulting into lodging of the present FIR. It is also submitted that the falsity of the prosecution case is further apparent from the bare perusal of the FIR, where in the seizure list, the alleged occurrence is shown to be 10:30 AM and the time of first seizure is shown to be 11:15 AM and thereafter, second at 12:05 AM. He next submitted that the petitioner has remained in custody for over a period of six months and in fact only on account of his one past criminal antecedent, his name has been implicated in this case by the police.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



purse of the informant, which was snatched by the petitioner and others have been recovered from the possession of the petitioner and he is also found involve in one another criminal case.

Regard being had to the submissions made on behalf of the parties and considering the fact that the offences are triable by the Magistrate, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia in connection with Kasba P.S. Case No. 327 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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