

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10155 of 2023

Arising Out of PS. Case No.-538 Year-2015 Thana- HAJIPUR SADAR District- Vaishali

Sonu Rai @ Sonu Kumar Son of Raju Rai R/o Vill.- Dighi Kala East, P.S.-
Sadar Hajipur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.09.2022 in connection with Hajipur Sadar P.S. Case No. 538
of 2015, F.I.R. dated 06.11.2015 for the offences punishable
under Section 392 of the Indian Penal Code.

According to prosecution case, our miscreants
surrounded the informant and snatched mobile, cash of Rs.
7,000/- and another relevant papers kept in a bag at the point of
knife. During investigation the petitioner was caught while he
was fleeing away and on the basis of his confessional statement
some clothes alleged to be looted articles were recovered from
the house of the petitioner and co-accused Munna Rai.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Parmeshwar Rai. He further submits that some article has been recovered from the house of the petitioner but the same is not put on TIP by the prosecution and the same is belongs to the house hold article of the petitioner. He further submits that except the confessional statement of co-accused namely, Parmeshwar Rai, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Parmeshwar Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 05.04.2016 passed in Cr. Misc. No. 6068 of 2016. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 23.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one, but fairly submits that out of three cases petitioner is on bail in one case as stated in para-3 of the



bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 538 of 2015, 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 witnesses, 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 antecedent, 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)

mdrashid/-

U		T	
---	--	---	--

