

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21738 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- RAJAON District- Banka

SONU KUMAR S/o Bhagirath Yadav Resident of Village- Kathchatar, P.S.-
Rajoun, Dist- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 12-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Rajoun
P.S. Case No. 19 of 2021 registered for the offence punishable
under Section 394 of the Indian Penal Code.

As per prosecution case, four unknown persons
entered into the house of informant, tied the hands and legs of the
informant as well as his other family members and thereafter
committed loot. It is alleged that during the commission of loot the
miscreants snatched away a golden finger ring from informant
and earring from his wife and also took away 25 kg silver
jewellery, 400-500 gram golden jewellery and cash of Rs. 35,000/-



from the almirah. It is further alleged that during the commission of loot, co-accused called the name of his associate as Sonu (present petitioner).

Learned counsel for the petitioner submits that petitioner is in custody since 31.01.2022 and bears criminal antecedent of four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from possession of the petitioner. No TIP has been conducted up till now. Except the disclosure of one of the co-accused, no cogent evidence is available to connect the present petitioner with the alleged occurrence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that he is named in the FIR.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Banka in connection with Rajoun P.S.



Case No. 19 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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