

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25117 of 2023

Arising Out of PS. Case No.-663 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Sonu Kumar @ Sonu @ Kapil Son of Satya Narayan Singh @ Narayan Singh
Resident of Village - Naurangabad, Jitan Chowk, P.S.- Hajipur Sadar, District
- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 43 of 2023, arising out of Hajipur Sadar P.S. Case No. 663 of 2021 dated 20.07.2021, instituted for the offences punishable under Section 392 of the Indian Penal Code.

3. Prayer of the petitioner for bail was earlier rejected by this Court by order dated 18.08.2022 passed in Criminal Miscellaneous No. 18892 of 2022.

4. Allegation is of snatching of motorcycle, Rs. 1,27,000/-cash, one tab, biometric device from the informant on the point of pistol by two miscreants.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He further submits that the petitioner is not named in the F.I.R. Further, it is submitted that the petitioner's name transpired in this case only on the basis of confessional statement of other co-accused, namely, Saket Kumar @ Naga. It is also submitted that another co-accused, namely, Rakesh Kumar @ Dabal Zero and Jyotish Thakur have already been granted bail by a Co-ordinate Bench of this Court *vide order dated 16.03.2023 and 24.03.2023 passed in Cr. Misc. No. 70357 of 2022 and 70932 of 2022* respectively. No incriminating articles have been recovered from the possession of the petitioner. Till date, no Test Identification Parade (T.I.P) has been made yet. Lastly, it has been submitted that the petitioner is in custody since 01.10.2021 and charge-sheet has been submitted in the case and he has two criminal antecedents against him.

6. Learned A.P.P. has opposed the prayer for bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Additional Sessions Judge, Vaishali at Hajipur in connection with Sessions Trial No. 43 of 2023, arising out of Hajipur Sadar P.S. Case No. 663 of 2021, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

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