

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27206 of 2023

Arising Out of PS. Case No.-432 Year-2018 Thana- MAHUA District- Vaishali

SONU KUMAR @ GOSAI BHAGAT Son of Devendra Bhagat Resident of
village - Chack Majahid, P.S. - Mahua, Distt. - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Mahua
P.S. Case No. 432 of 2018 dated 07.12.2018, instituted for the
offence punishable under Sections 399, 402, 414 of the Indian
Penal Code and Sections 25(1-b)a, 26(ii) and 35 of the Arms Act
and Section 8(c)/20(b)(i) B of N.D.P.S. Act.

3. The prosecution case, in short, is that the informant
received secret information that 8-9 unknown persons are
present at the barren land of Manoranjan Mishra and they are
conspiring to commit an illegal act. It is further alleged that 6
persons were managed to be apprehended by the police. It is



further alleged that one of the co-accused namely, Gautam Kumar, was in possession of a bag in which two bundles of ganja like substance of 2.36 kg and 1.98 kg was recovered. It is further alleged that country made pistols, cartridges and a motorcycle were recovered from conscious possession of other co-accused persons, however, nothing was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that the name of the petitioner has been transpired in this case only on the basis of confessional statement of other co-accused persons apprehended by the police. He further submitted that country made pistol and other incriminating materials including 4.5 kg ganja like substance were recovered from other co-accused persons. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. Moreover, apprehended persons namely, Channa Rai, Mister Kumar, Deepak Kumar, Gore @ Gautam, Ravi Kumar and Sonu Kumar have been granted bail by different Benches of this Court. Lastly, it has been submitted that the petitioner is in custody since 26.07.2021, has five criminal cases against him and charge-sheet has been submitted



in the case.

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

6. 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-I, Vaishali, Hajipur in Mahua P.S. Case No. 432 of 2018, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

4. 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)

Sankalp/-

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