

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32950 of 2023

Arising Out of PS. Case No.-1111 Year-2022 Thana- DANAPUR District- Patna

Sonu Kumar @ Sonu Kasera @ Sonu Kesari @ Kasera S/O- Pasupati Nath
Kasera R/o- Infront of Danapur Ps- Danapur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
01.12.2022 in connection with Session Trial No.283 of 2023
arising out of Danapur P.S. Case No. 1111 of 2022, F.I.R. dated
16.10.2022 for the offences punishable under Sections 147, 148,
149, 341, 326, 302 of the Indian Penal Code and Section 27 of
the Arms Act.

According to prosecution case, as per the written
report of the informant namely, Usha Devi stating therein that
on 15.10.2022 at about 9:30 O'clock (at night) when the
informant was returning home along with her son Sonu Kumar
@ Keshari after purchasing medicine for her daughter from
Ramjee's Medical shop, at Machhauatolo. On the way of



returning home some petitioners along with F.I.R. named accused persons started firing on informant's son at middle road, near Kullu Sweet shop, Sadar Bazar. In the meantime due to the said firing the informant got unconscious at the place of occurrence and after some time when the informant gained back her consciousness, she found that her son Sonu @ Khesari was lying on the middle of road and the informant's son was soaked in blood. After that hearing the noise concerning police came to the said place of occurrence and took the informant's son to the hospital and there the doctors declared him dead.

Learned counsel for the petitioner submits that petitioner is innocent and he have falsely been implicated in the present case. He further submits that as per allegation as alleged in the F.I.R. that altogether five persons have shot fire upon the son of the informant but the postmortem report suggest that only two injuries were found on the person of the deceased and there is no specific allegation against whom that who fired upon the son of the informant, rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that similarly, situated co-accused namely, Deepak Kumar @ Raja @ Dhose @ Dosa @ Deepak Gupta and Jeetu Kumar @ Gujju Mali have been granted bail by



this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 15713 of 2023 and Cr. Misc. No.33006 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 01.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 A.D.J.-I, Danapur, Patna in connection with Sessions Trial No.283 of 2023 arising out of Danapur P.S. Case No.1111 of 2022, 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)

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