

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42945 of 2022

Arising Out of PS. Case No.-280 Year-2021 Thana- BELDOUR District- Khagaria

SONU KUMAR SON OF MANOJ MANDAL RESIDENT OF VILLAGE-
MAHINATH NAGAR, P.S.- BELDAUR, DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Beldaur P.S. Case No.280 of 2021 registered for the offences punishable under Section 394 of the Indian Penal Code.

The allegation is regarding unknown miscreants having intercepted the informant who was travelling on his motorcycle on 19.11.2021 at about 7:00 P.M., whereafter they had assaulted the informant and on pistol point had snatched his motorcycle, mobile phone and documents as also a sum of Rs. 2,000/- in cash. Subsequently, the



petitioner was arrested in an injured condition and he was recognized to be one of the miscreants who had pointed pistol upon the informant of the present case and had snatched various articles including one motorcycle.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 20.11.2021. The learned counsel for the petitioner has further submitted that the petitioner is having a fair antecedent inasmuch as he is an accused only in one another criminal case, in which he has been falsely implicated, only after lodging of the present case. The learned counsel for the petitioner has also submitted that the actual fact is that some altercation had taken place in between the informant and the petitioner on account of overtaking of the motorcycle of the informant by the petitioner, who was travelling on his own motorcycle and then the petitioner was thrashed, whereupon he was taken into custody, however, no



F.I.R. has been registered regarding the incident of the petitioner being assaulted. Lastly, it is submitted that the looted motorcycle has not been recovered from the petitioner but from the possession of one co-accused person namely Vikash Kumar.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the factual aspect of the matter, this Court finds that *prima facie* the involvement of the petitioner in the alleged occurrence appears to be questionable, however, considering the fact that the petitioner is having a fair antecedent and he is languishing in custody since more than one year, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned Judicial Magistrate-1st Class, Khagaria
in connection with Beldaur P.S. Case No. 280 of
2021, G.R. No.3727 of 2021.

(Mohit Kumar Shah, J)

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