

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51243 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- PAHARPUR District- East Champaran

SONU KUMAR @ SONU THAKUR Son of Shukeshwar Thakur @ Wehuli Thakur @ Wasooli Thakur Resident of village - Mishrain Tola, P.S. - Paharpur, Distt. - East Champaran, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 14.05.2023 in connection with Paharpur P.S. Case No. 166 of 2023, F.I.R. dated 11.05.2023 for the offences punishable under Sections 302,201,34 of the Indian Penal Code.

3. Allegation against the petitioner is that he alongwith others are said to have been committed the murder of the husband of the informant and they disappear his dead body.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR itself that the deceased has committed suicide himself and there is no



accusation of any assault or overt-act attributed against the petitioner and even the C.D.R. location of the petitioner was not found at the place of occurrence and merely on the basis of suspicion, the petitioner has been implicated in the present false and fabricated case and after arrival of the police, the dead body of the deceased was recovered and except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 14.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence especially in para-14,15 and 16 of the case diary and apart from the aforesaid, the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the three cases, as mentioned in para-5 of the supplementary affidavit.

6. 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.C.J.M.- II, East Champaran, Motihari in connection with Paharpur P.S. Case No. 166 of 2023, 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 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.

II. 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.

III. 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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