

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54303 of 2022

Arising Out of PS. Case No.-318 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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SONU PANDEY S/O LALAN PANDEY Resident of Village- Gheghawa,
P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.
For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, co-accused namely,
Vinita Thakur and Prabhakar Thakur ordered co-accused Mantu
Mishra and this petitioner to kill the husband of the informant,
to which, co-accused Mantu Mishra, who fired from his gun on
the husband of the informant, due to which, he fell down on the
ground. Thereafter the husband of the informant was taken to
hospital, where the doctor declared him dead.

Learned counsel for the petitioner submits that the



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is allegation against co-accused namely, Mantu Mishra, who fired upon the husband of the informant. He further submits that there is no specific allegation of any assault or overt act against the petitioner and at best, the petitioner may be member of the mob. He further submits that during investigation, it has come that the petitioner was one of the conspirators of the alleged occurrence. He further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner. The police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.05.2022.

The learned Additional Public Prosecutor 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, after framing of the charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is



pending, in connection with Motihari Town P.S. Case No. 318
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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