

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63131 of 2022**

Arising Out of PS. Case No.-189 Year-2022 Thana- SAHAJITPUR District- Saran

SONU KUMAR @ NIRAJ KUMAR S/O NAGENDRA RAY Resident of
village- Chaturbhuj Chapra P.S.- Baniyapur, District- Saran, Chapra, Bihar-
841403

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-02-2023 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 393 and 307 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, while the informant
was returning home after collecting money, four unknown
persons on two motorcycle, after following him, tried to snatch
his bag. It is further alleged that when the informant tried to flee
away, one of the accused opened fire, due to which he fell down
then the accused persons fled away.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused namely, Priyanshu Ojha and Tej Pratap and self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the recovered motorcycle and mobile belong to the petitioner and the petitioner has no concern at all with other co-accused persons. There is non-compliance of Section 100 of the Cr.P.C. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Sahajitpur P.S. Case No. 189 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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