

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61811 of 2022

Arising Out of PS. Case No.-275 Year-2018 Thana- KHAGARIA District- Khagaria

Sonu Kumar Son Of Parmeshvar Pandit R/O Ward No.04, Khadiyahi,
Bibhutipur, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 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 394 of the Indian Penal
Code.

According to prosecution case, as per fardbeyan given
by the informant Niwas Kumar is that on 06.05.2018 after
unloading bamboo from his pick-up van at Kurha Bind Toli
while he in the return journey reached near Somarpur Railway
Crossing he was robbed of his pick-up van, Rs.8,000/- in cash
and two mobiles as detailed in the first information report by
two culprits on the point of fire-arm who had come on a Bolero
vehicle and went towards Khagaria.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case only on the basis of confessional statement of co-accused namely, Vijay Kumar @ Golu. He further submits that petitioner was not named in the F.I.R. and nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Vijay Kumar @ Golu has been granted bail by a co-ordinate Bench of this Court vide order dated 02.05.2019 passed in Cr. Misc. No. 28463 of 2019. The petitioner is in custody since 15.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two 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 Court below where the case is pending in connection with Khagaria (Muffasil) P.S. Case No. 275 of 2018, 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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