

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65825 of 2022

Arising Out of PS. Case No.-196 Year-2020 Thana- SONEPUR District- Saran

SONELAL RAI @ SONA RAI S/O Ramapani Ray R/O Village- Nazarmira,
Semartal, P.S- Sonapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2023 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 Section 392 of the Indian Penal
Code.

According to prosecution case, on 02.03.2020 when
the informant was returning back and in the course of at 8 AM
he reached near Maharani Mata Temple where a motorcycle
came and insinuated to stop and three persons alighted from the
motorcycle, who were armed with pistols and they started
committing 'Maar Peet' with him. They put off his helmet and
assaulted with butt of pistol on his head, consequently, he got
injured and they snatched a mobile and his motorcycle from his
possession which was purchased in the name of informant's



brother.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation only on the basis of confessional statement of co-accused namely, Praduman Kumar, Dhiraj Kumar @ Niraj Kumar and Prakash Kumar @ Chhotan Kumar. He further submits that petitioner was arrested in Sonapur P.S. Case No. 367 of 2021 on 10.05.2022 and later on he was remanded in the present case on 10.06.2022. He further submits that 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, Prakash Rai @ Chhotan and Praduman Kumar have been granted bail by the Court below itself.

The learned Additional Public Prosecutor for the State 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 Sonapur P.S. Case No. 196 of 2020, 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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