

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72899 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- LODIPUR District- Bhagalpur

SONU KUMAR S/O BHAGIRATH YADAV R/O VILLAGE-
KATHCHATAR, P.S- RAJOUN, DISTT.- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 07-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Lodipur P.S. Case No.78 of 2023 registered for the offences punishable under Sections 392 of the IPC and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, two miscreants on one motorcycle intercepted the informant and on the point of pistol took away informant's gold chain, locket, ring alongwith the purse containing Rs.22,000/-, bank ATM, Aadhar Card, Pan Card, Vehicle registration paper and other documents and fled away.

4.Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been



surfaced in the present case upon the confessional statement of co-accused Karan Paswan. Except confessional statement of co-accused Karan Paswan, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Learned counsel for the petitioner submits that petitioner is in custody since 07.06.2023 and bears criminal antecedent of four cases. On account of criminal antecedent of the petitioner, he has been roped in the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the conscious possession of the petitioner. No TIP has been conducted uptill Now. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in the view the criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on



record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhagalpur in connection with Lodipur P.S. Case No.78 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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