

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70773 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- PHULWARIA District- Begusarai

1. Sonu Singh @ Motka, S/O- Dilip Singh, Village- Sabaura W.No-14, Ps- Barauni Refinery OP Dist- Begusarai
2. Abhishek Kumar son of Tuntun Sharma Village- Ratanpur Vishanpur W.No-17, Ps- Town Ratanpur OP Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Phulwariya P.S. Case No.157/2022, lodged on 15.09.2022 under
Sections 120B, 307/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons alleging therein that
his son was injured and against whom firing has been made in a
planned manner due to which he got injured.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence. The



petitioners are not named in the FIR, rather their name has figured in this case by virtue of the confessional statement of the co-accused. He further submits that prior to the lodging of the present case, the antecedent of petitioner no.1 was clean and, thereafter, on the same night, a total of eight more criminal cases were instituted against him whereas petitioner no.2 was accused in five criminal cases before lodging of the FIR, but on the same night, 8 more criminal cases have been lodged against him. He further submits that both the petitioners are in custody since 27.09.2022.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that none of the cases is false and it is a case of indiscriminate firing which took place on a particular date, i.e. 13.09.2022 due to which a number of persons have received injuries and as such the cases were lodged at different places.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-1, Begusarai, in connection with



Phulwariya P.S. Case No.157/2022, subject to the as laid down under section 437(3) Cr.P.C as well as following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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