

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68483 of 2022

Arising Out of PS. Case No.-539 Year-2020 Thana- KHAIRA District- Jamui

SONU RAJAK @ SONU KUMAR Son of Raj Kumar Rajak @ Toofani
Rajak @ Toofan Rajak Resident of Village - Goahoghra, P.S.- Kauwakol,
District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2023 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 Sections 147, 148, 149, 323, 385,
387, 307, 504, 379, 506 of the Indian Penal Code and Section 27
of the Arms Act.

According to prosecution case, as per the First
Information Report, is that on 24.12.2020, in the afternoon,
three persons arrived on a motorcycle at the work site of the
informant, who is a contractor, and demanded levy of Rs.
50,00,000/- and threatened that if the demanded money would
not be paid, the construction work shall not continue. The
informant further stated that on the next date, i.e. on 25.12.2020,



he received a call from mobile no. 8797247185 and the caller, representing himself as party man of a naxellite organization, demanded the levy for construction of the bridge awarded in favour of the informant/contractor.

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 on the basis of confessional statement of co-accused Pawan Kumar Yadav, Rohit Kumar Yadav, Ranjit Yadav, Nitish Kumar, Mukesh Yadav and Arbind Yadav. He further submits that except the confessional statement of co-accused, no other cogent material has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Pawan Kumar Yadav and Mukesh Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 09.03.2022 passed in Cr. Misc. No. 31950 of 2021 and Cr. Misc. No. 38487 of 2021. The petitioner is in custody since 30.05.2022.

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



the ground that petitioner carries three criminal antecedents other than the present one in which he is on bail in all the cases.

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 Khaira P.S. Case No. 539 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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