

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22319 of 2024

Arising Out of PS. Case No.-394 Year-2020 Thana- RIVILGANJ District- Saran

Sonu Mian @ Sonu Miyan S/o Sahmud Miya R/o Village- Pachpatra, P.S.
Rivilganj, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Tiwary, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Rivilganj P.S. Case No. 394 of 2020 for the offence punishable under sections 120(B), 302/34 of the Indian Penal Code lodged on 28.10.2020 by the informant, Renu Kunwar.

3. As per the prosecution story, the informant alleged that her son was taken by Tinku Miya and this petitioner alongwith two other co-accused where Tinku Miya and this petitioner gave knife blow which proved fatal. Though the son was taken to hospital subsequently, he succumbed to the injuries. Accordingly, the FIR.

4. Earlier the case of the petitioner was heard and rejected on 24.08.2023 in Cr. Misc. No. 32827 of 2023.

5. Learned counsel for the petitioner submits that the allegation is against both Tinku Miya and this petitioner alongwith two other co-accused. Considering the aforesaid fact



earlier his bail application was rejected. The situation is that Tinku Miya has subsequently been granted bail vide Cr. Misc. No. 42680 of 2023 on 08.09.2023 and further, during the trial the informant, Renu Kunwar has not supported the prosecution story which he has annexed as Annexure-4. The last submission is that the petitioner is in custody since 24.08.2022 (paragraph 9 of the petition).

6. Learned APP opposes the prayer for bail submitting that both Tinku Miya and this petitioner gave knife blow causing the death.

7. Though the allegation is there, the fact remains that one of the co-accused Tinku Miya has since been granted bail and a perusal of Annexure-4 would show that the informant has not supported the prosecution story during the trial. The petitioner do not have criminal antecedent and has undertaken to diligently appear in trial, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Saran at Chapra, in connection with Rivilganj P.S. Case No. 394 of 2020 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark his attendance;

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

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

(Rajiv Roy, J)

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