

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27829 of 2024

Arising Out of PS. Case No.-627 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

SONU KUMAR @ BUDHAN S/O GIRANI SHARMA Resident village-
Mahapar, P.S- Bihar, Distt.- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 31-07-2024 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Laheri P.S. Case No. 627 of 2023 for the offences
punishable under Sections 504, 506, 307, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per allegation, the occurrence took place in two
episodes:- in the first episode, while the informant was going to
a mosque for offering *Namaaz*, in the way, found two boys
riding on a motorcycle, who were eve teasing of two girls,
which was objected by him and in consequence thereof, both the
accused persons started abusing him. On intervention by the
people of that vicinity, though the matter was resolved but in the
second episode, i.e. 10 minutes after primary occurrence, while



the informant was standing on the road, both the boys came there and started abusing him and consequently one of them sitting on a back seat of the motorcycle, took out pistol from his bag and opened fired aiming the informant but any how the informant escaped from that shot.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has further submitted that there is no eye witness of the occurrence, and on inquiry, it is found that the video clip of the CCTV camera was automatically deleted and so no case as alleged in the FIR is made out and the allegation levelled against the petitioner is totally false. The petitioner is under custody since 18.11.2023.

5. On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that the submission made on behalf of the petitioner with regard to the non-availability of video clip of the occurrence is wholly incorrect as the photo of video clip attached with CD in which two boys may apparently be seen. From perusal of paragraph nos. 20 and 21 of the case diary, it appears that the local people have identified the accused persons, including the petitioner in CCTV footage.

6. Considering the above-mentioned facts and



circumstances as well as the gravity of the allegation, I do not think it to be a fit case for bail, which is hereby rejected.

7. The Superintendent of Police, Nalanda at Bihar Sharif is directed to submit a report within a fortnight as to what action was taken against the co-accused Dima Kumar of P.S. Case No. Laheri P.S. Case No. 627 of 2023.

8. Learned counsel for the petitioner Mr. Premchandra Yadav attempted to dupe the Court by submitting a wrong fact. He submitted that video clip of CCTV camera was not found as it was deleted.

9. From perusal of the case diary, it appears that CCTV footage was available with the investigating authorities and the print out of CCTV footage has also been annexed with the case diary, but there is nothing in the case diary even prima facie which shows that the alleged video clip was deleted.

10. Mr. Premchandra Yadav, learned counsel for the petitioner is directed to submit his explanation within three weeks as to why a recommendation should not be sent to the Bihar State Bar Council for debarring him from practice for such an act which comes under the purview of professional misconduct.

11. The office is directed to send a copy of this order



to the Superintendent of Police, Nalanda at Biharsharif and the
Chairman, Bar Council, Patna for needful.

12. List the matter after four weeks.

(Nawneet Kumar Pandey, J)

Nirmal/-

U		T	
---	--	---	--

