

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35452 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- CHIRAIYA District- East Champaran

Sonu Kumar Son of Ajay Singh @ Munna Singh, Resident of Village-
Harnaraina, P.S- Sikarganj, Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate

For the Opposite Party : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Raghav Prasad, the learned counsel for
the petitioner, the learned counsel for the informant and Mr.
Sanjay Kumar Pandey, the learned Additional Public Prosecutor
for the State.

2. The petitioner is apprehending his arrest in
connection with Chiraiya (Sikarganj) PS Case No. 24 of 2024,
FIR dated 19.01.2024, registered for the offences punishable
under Sections 302 and 120(B) read with Section 34 of the
Indian Penal Code and under Section 27 of the Arms Act.

3. According to the prosecution case, while the
informant, his brother and one co-villager were standing at
informant's door, all the FIR named accused persons came there
and started a scuffle with the informant's brother. It is further
alleged that one Sunny Kumar, with an intention to kill, fired



four to five shots on the informant's brother, who later succumbed to his injury.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and his name transpired during investigation. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather the specific allegation of assault is attributed against the co-accused person namely, Sunny Kumar. He lastly submits that it has come during investigation that the petitioner has supplied arms and ammunition to the other co-accused persons.

5. The learned counsel for the informant and the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he has supplied arms to the co-accused person namely, Sunny Kumar.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, he is not named in the FIR and there is no specific allegation of any



assault or overt act or firing levelled against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Sub-Divisional Judicial Magistrate, Sikrahna Dhaka, East Champaran, Motihari, where the case is pending in connection with **Chiraiya (Sikarganj) PS Case No. 24 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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