

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46763 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- EKMA District- Saran

Soni Prasad Son Of Rajendra Prasad Village- Ekma Chatti, P.S.- Ekma, Distt.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Ekma P.S. Case No.401 of 2023, lodged on 25.09.2023, under Section 392 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against unknown accused persons against whom there is allegation that they have committed robbery of motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that FIR has been lodged against unknown accused persons. Counsel submits that nothing incriminating has been recovered from the possession of the petitioner except mobile phone which is personal owned mobile. The purchase slip he



has annexed is Annexure-2. Counsel submits that he has been arrested by the raid made by the police on the statement of co-accused. He further submits that antecedent of the petitioner is not clean. There are nine criminal cases pending against the petitioner, in which he is no bail. The petitioner is in custody since 06.10.2023. Counsel further submits that one co-accused has been granted bail by this Court vide order dated 16.04.2024 passed in Cr. Misc. No.9848 of 2024. Counsel further submits that the offence in which case has been lodged is magisterial triable.

5. Learned counsel for the State opposes the prayer for bail and submits that the co-accused, who has been granted bail by this Court having only one criminal antecedent whereas petitioner has nine criminal antecedents. Therefore, at the time of consideration of bail this aspect may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **six months after framing of the charge, if not framed, as well as on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Ekma P.S. Case No.79 of 2010, (ii) Ekma P.S. Case No.39 of**



2013, (iii) Ekma P.S. Case No.17 of 2017, (iv) Ekma P.S. Case No.124 of 2018, (v) Ekma P.S. Case No.107 of 2019, (vi) Ekma P.S. Case No.113 of 2019, (vii) Ekma P.S. Case No.87 of 2020, (viii) Ekma P.S. Case No.162 of 2021 and (ix) Ekma P.S. Case No.348 of 2022, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Saran at Chapra, in connection with Ekma P.S. Case No. 401 of 2023, giving rise to Sessions Trial No.126 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bonds by the Trial Court itself;

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

(iv) The petitioner 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 petitioner 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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