

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51991 of 2024

Arising Out of PS. Case No.-185 Year-2018 Thana- SUGAULI District- East Champaran

Sonu Kumar @ Sonu Yadav Son of Nawal Kishor Yadav R/o Kurumtola Ward
No.3, P.S.- Sugauli, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Sugauli P.S. Case No. 185 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 436, 504 & 506 of the Indian Penal Code and under Section 27 of the Arms Act. He has one criminal antecedent as stated in Paragraph-3 in which after investigation, police has exonerated him.

3. As per the prosecution story, on 21.05.2018, the informant Nagina Rai, Chaukidar of Sugauli P.S. had gone to village Kurm Tola along with other chaukidar to maintain law and order on the disputed land bearing Khata No.80 Plot No.2152. At about 05:00 PM, Vikrama Yadav and Amit Yadav came at the disputed land. Dharmendra Tiwari, Tutu Tiwari,



Jitendra Tiwari came and abused them. Thereafter, their accomplice armed with deadly weapons also came at the place of occurrence and in the meantime, the persons of the other side including the petitioner and 20-25 persons being armed with deadly weapons also came there and they all started assaulting each other in spite of the objection made by the Chaukidar on duty but they did not stop the same. In the meantime, firing was started by the mob and hut of Vijay Yadav was set on fire.

4. Learned counsel for the petitioner submits that the petitioner has simply been mentioned in the FIR as a member of the mob, no overt act has been alleged against him and in case of similarly situated accused persons, learned Co-ordinate Benches of this Court have granted the privilege of pre-arrest bail. Attention of this Court has also been drawn towards the order passed by this very Court in Cr. Misc. No. 80940 of 2019.

5. Learned counsel further submits that even as the petitioner has approached this Court with some delay, till date process under Sections 82 and 83 Cr.P.C. have not been exhausted against him, therefore, his prayer of pre-arrest bail may be allowed.

6. Learned APP for the State does not controvert that similarly situated accused have been granted privilege of pre-



arrest bail by this Court, as well as, several other Benches of this Court.

7. Having regard to the nature of the allegations and that the case of the petitioner stands on similar footing with other co-accused who have been granted privilege of pre-arrest bail, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Sugauli P.S. Case No. 185 of 2018 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaram at Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. It is, however, clarified that the learned court below shall verify correctness of the submission that till date process under Sections 82 and 83 Cr.P.C. have not been exhausted against the petitioner. On being satisfied with this position only, the bail bond shall be accepted.

9. 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.

10. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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