

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53928 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- JANTA BAZAR District- Saran

Sonu Tiwary S/o Sharma Tiwary R/o Village- Harpur Kothi, P.S- Janta Bazar,
Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Panday, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2024 Heard Ms. Alka Panday, learned counsel for the
petitioner and Mr. Dilip Kumar No. 1, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Janta Bazar P.S. Case No. 167 of 2023, F.I.R. dated 01.10.2023 for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, one country made pistol and a mobile phone was recovered from the possession of the co-accused, namely, Amit Kumar @ Jheena who disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. She further submits that the name of the petitioner



has been transpired on the basis of the confessional statement made by the co-accused, namely, Amit Kumar @ Jheena Pandey and the recovery has also been made from the co-accused, Jheena Pandey. She further submits that the similarly situated co-accused, Setu Kumar and Aryan Kumar have been granted anticipatory bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 12189 of 2024 and Cr. Misc. No. 12292 of 2024 respectively.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the three cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 Judicial Magistrate 1st Class, Saran in connection with Janta Bazar P.S. Case No. 167 of 2023, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

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 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.

(Rajesh Kumar Verma, J)

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