

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58857 of 2024

Arising Out of PS. Case No.-435 Year-2022 Thana- KESARIA District- East Champaran

Sonu Kumar @ Sonu Sahni @ Sonu Kumar Sahni Son Of Dasharath Sahni @
Dasrath Sahni Resident Of Village - Chand Parsa, Bhagwatia, P.S. - Kesariya,
District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Kesariya P.S. Case No. 435 of 2022, registered for the alleged offence under Sections 302/34 of the Indian Penal Code.

03. As per prosecution case, the son of the informant was stabbed to death and his dead body was recovered from an agricultural field. The name of the petitioner transpired during investigation as one of the accused persons for being involved in murder of son of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case merely on the basis of confessional statement of co-accused persons, namely Ranjan Sharam and Arjun Kumar. Learned counsel further submits that co-accused Arjun Kumar and Ranjan Sharma have been granted bail by the different Coordinate Benches of this Court vide order dated 19.06.2023 passed in Criminal Misc. No. 7231 of 2023 and order dated 21.08.2023 passed in Criminal Misc. No. 52882 of 2023, respectively and the case of the petitioner is on similar footing. Learned counsel further submits that except for the confessional statement of co-accused persons, no material has come up on record against the petitioner. Learned counsel further submits that some of the co-accused persons, whose name also came in the confessional statement of co-accused persons, namely Chhotan Sharma @ Chhotan Kumar and Nitesh Sahni, have been granted anticipatory bail by this Court as well as the Coordinate Bench vide order dated 29.02.2024 passed in Cr. Misc. No.68242 of 2023 and order dated 31.01.2024 passed in Criminal Misc. No. 2597 of 2024, respectively. Learned counsel reiterated that there is no tangible material against the petitioner, who is in custody since 28.03.2024. Charge-sheet has been submitted. The petitioner has been made accused in altogether five cases out of which he has been enlarged on bail in four



cases and prayer for bail in one case is still pending.

05. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner was also involved in the murder of the son of the informant and he is a habitual offender and is accused in five such cases of serious nature.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the grant of regular as well as anticipatory bail to the other similarly placed co-accused persons and further considering the period of custody along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Kesariya P.S. Case No. 435 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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