

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61999 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- PATEPUR District- Vaishali

SONU KUMAR SON OF RAJKISHOR SINGH RESIDENT OF VILLAGE-
GANGACHAK, PS- PATEPUR, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Patepur P.S. Case No. 177 of 2023 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code read with Sections 25(1-b)a/26, 35 of the Arms Act.

3. As per prosecution case, informant alongwith police officials conducted raid and after seeing the police 7-8 persons started fleeing away and out of them, four persons including the petitioner were apprehended on the spot. It is alleged that one country made loaded pistol, one magazine of iron and four live cartridges were recovered from the possession of the petitioner and four motorcycles were also found at the place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and the present case is false and fabricated. There is no compliance of Section 100 of Cr.P.C. Petitioner is in custody since 21.07.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is having unblemished career. No incriminating article has been recovered from the possession of the petitioner.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Vaishali at Hajipur in connection with Patepur P.S. Case No. 177 of 2023,



subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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