

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77671 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- CHOUTARWA District- West Champaran

Md. Sonu @ Md. Hojaif Son of Md. Gufran @ Gufaran Resident of village-
Barwa Sheikh Toli P.S.- Lauriya District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Choutarwa P.S. Case No. 87 of 2024, registered for the offences punishable under Sections 395, 397 and 398 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, while the informant and two others, including the driver of the pick-up van, were returning to Azamgarh, Uttar Pradesh through his pick-up van bearing registration no. UP-50ET-1473, in the meantime, two persons came on a motorcycle and intercepted the pick-up van on the point of pistol. It is further alleged that when the informant stopped the pick-up van, in the meanwhile other four criminals



riding on two motorcycles also arrived there and on the point of pistol snatched the valuables including cash of Rs. 20,000/-. On protest, miscreants also fired upon the informant and others due to which the driver, Md. Yasir and uncle of the informant, namely, Md. Raju sustained bullet injury.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants, however, during the course of investigation co-accused Pappu Kumar was apprehended by the police and on whose confession the name of the petitioner and other co-accused persons have been surfaced. Other co-accused persons, whose names have been surfaced in the confessional statement of co-accused person, have been allowed the privilege of regular bail by this Court in Cr. Misc. No. 48637 of 2024 vide order dated 21.09.2024 and further in Cr. Misc. No. 51087 of 2024 dated 21.09.2024. It is lastly contended that the petitioner has been remanded in this case from Choutarwa P.S. Case No. 88 of 2024. Besides the aforesaid case, the petitioner has absolutely clean antecedent. The petitioner has neither been put on Test Identification Parade nor any incriminating material has been recovered from the possession of the petitioner. Now the petitioner has been incarcerated since 15.07.2024 and the



investigation is complete.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has transpired on the confessional statement of co-accused, apart from one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on confessional statement of co-accused person, coupled with the fact that other co-accused persons have been allowed the privilege of regular bail, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Bagaha, West Champaran in connection with Sessions Trial No. 615 of 2024 arising out of Choutarwa P.S. Case No. 87 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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