

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7643 of 2025

Arising Out of PS. Case No.-514 Year-2024 Thana- BATHNAHA District- Sitamarhi

Sonu Kumar S/o Rambabu Mahto R/o Village- Bhaluaha, P.S.- Sonbarsa,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Uday Kumar, Advocate
For the Opposite Party/s :	Mr. Pawan Kumar Chaurasia, APP
For the Informant :	Mr. Lovekush Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2025 Heard Mr. Uday Kumar, learned counsel for the petitioner, Mr. Lovekush Kumar, learned counsel appearing on behalf of the informant as well as Mr. Pawan Kumar Chaurasia, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bathnaha P.S. Case No. 514 of 2024, F.I.R. dated 09.11.2024 for the offences punishable under Sections 109, 103(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, this petitioner along with one co-accused, namely, Motilal Kumar have fired upon the son of the informant which resulted into his death.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that there is specific allegation in the F.I.R. that the petitioner along with one co-accused, Motilal Kumar have fired on the head of the son of the informant due to which he died. It further appears from the F.I.R itself that the co-accused, Motilal Kumar has fired upon the son of the informant and apart from that the postmortem report of the deceased also suggest that one head injury caused by firearm was found on the person of the deceased which suggest that the petitioner was only present at the place of occurrence but he has not fired upon the deceased.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the master mind of the present occurrence and apart from that he was also present along with the co-accused, Motilal Kumar.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation against the petitioner rather the same is against the



co-accused, Motilal Kumar, 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, Sitamarhi in connection with Bathnaha P.S. Case No. 514 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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