

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17374 of 2025

Arising Out of PS. Case No.-139 Year-2024 Thana- HARNAUT District- Nalanda

Sonu Kumar @ Siba S/O Manoj Paswan R/O Village- Barara, P.S.- Noorsarai,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

For the Informant : Mr. Sushil Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 16-05-2025 Heard Mr. Raj Kishor Prasad, learned counsel for
the petitioner; Mr. Sushil Kumar Singh, learned counsel for the
informant and Mr. Nitya Nand Tiwary, learned APP for the
State.

2. The petitioner seeks bail in connection with Harnaut
P.S. Case No. 139 of 2024 instituted for the offences under
Sections 302 of the Indian Penal Code and 27 of the Arms Act.

3. Prosecution case, in short, is that the brother of the
informant was done to death by some unknown miscreants.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of Santosh Kumar. Learned counsel further submitted that T.I.P. has not been conducted till date. There is no eye-witness to the occurrence. Learned counsel further submitted that except the confessional statement of the petitioner and other co-accused persons before the police, there is no material to prove the involvement of the petitioner in the alleged occurrence. Learned counsel further submitted that it has cropped up during investigation that the co-accused Bipin and Mousam have shot the brother of the informant. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.06.2024 and has four criminal antecedents. The co-accused person has already been granted bail by this Court vide order dated 21.11.2024 passed in Cr. Misc. No. 72181 of 2024.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant further submitted that this petitioner is the main conspirator who hatched a conspiracy to commit the murder of the informant's brother with the help of other co-accused persons and therefore, he does not deserve to be released on bail.



6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Harnaut P.S. Case No. 139 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses or threatens the informant or his family members, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) Petitioner shall not leave the territorial jurisdiction of the learned court below without taking its prior permission. If petitioner violates any condition/s, the



prosecution will be at liberty to move for cancellation of bail
bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

