

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30636 of 2025

Arising Out of PS. Case No.-160 Year-2024 Thana- RAFIGANJ District- Aurangabad

Sonu Shekh S/o Md. Kudush R/o vill - Fidabigha, P.s. - Rafiganj, Distt.-
Aurangabad Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2025 Heard Mr. Rajeev Kumar Singh, learned counsel
for the petitioner and Mr. Nityanand, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rafiganj P.S. Case No. 160 of 2024, F.I.R. dated 23.04.2024 for the offences punishable under Section 395 of the Indian Penal Code.

3. According to prosecution case, informant who was a truck driver along with the helper were transporting 30 animals with proper documents. In the meantime, a group of 12 to 15 persons stopped the truck and forcefully entered in it and snatched the driver's phone and assaulted to them. It is further alleged that they fled with the truck carrying the animals.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the confessional statement of the co-accused, Md. Sahid Afridi. In fact, co-



accused, Md. Sahid Afridi is the friend of the petitioner and except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come in the impugned order that the petitioner had talked with the apprehended person for about 52 times on the date of the occurrence.

6. Learned counsel for the petitioner submits that the petitioner and the co-accused persons are friend and therefore, he talks with the co-accused person.

7. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, 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 Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 160 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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