

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31305 of 2025

Arising Out of PS. Case No.-706 Year-2024 Thana- PIRBAHOR District- Patna

Md. Sonu, S/O Md. Salim, R/O Village- Kori Maurya, Giridih, P.S- Giridih,
Distt.- Giridih, Jharkhand At present Mohalla- Naya Tola, Madarsha Gali,
P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-08-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Pirbahore P.S. Case No.
706 of 2024 registered for the offence punishable under Sections
190, 191(2), 191(3), 308(2), 308(5), 103(1), 61(2) of the
Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. Based upon the *fard beyan*, the prosecution alleged
that while the younger brother of the informant had purchased a
land and planning to build a home over that, in the mean time,
one Md. Wajid Khan alongwith 4 to 5 persons came there and
threatened him and also extorted to pay Rs. 20 lakh, otherwise



they would not let him to built the house. On 20.10.2024 while the informant was coming on his motorcycle, in the mean time, he was intercepted by co-accused Majid Khan and Raja alongwith 4 to 5 unknown persons, who were having pistols in their hands and all of them made indiscriminate firing, leading to death of the younger brother of the informant.

4. Learned Advocate appearing on behalf of the petitioner submitted that the entire allegation revolves around co-accused Majid @ DD and Raja. The name of the petitioners transpired in the confessional statement of co-accused Majid @ DD and save and except confessional statement, there is no material suggesting the complicity of the petitioner in crime. The informant is claiming himself to be an eye-witness to the alleged occurrence, but, till date, the petitioner has not been put on Test Identification Parade, which also belies the prosecution case to the extent of implication of the petitioner. The petitioner has been incarcerated since 21.11.2024, having absolutely clean antecedent.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submitted that during the course of investigation apart from the confessional statement of co-accused person, the tower



location of the petitioner was found nearby the place of occurrence and the cctv footage also suggest that he was present there.

6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the fact that the complicity of the petitioner has surfaced on the confessional statement and the petitioner has been incarcerated since long, but, till date, he has not been put on Test Identification Parade coupled with his fair antecedent and all the more, the investigation is complete and the chargesheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna in connection with Pirbahore P.S. Case No. 706 of 2024, subject to the condition that one of the bailors will be the close relatives 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)

supratim/-

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

