

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39303 of 2025

Arising Out of PS. Case No.-349 Year-2023 Thana- KOTWALI District- Munger

Sonu Kumar @ Himanshu Kumar Son of Sri Binay Kumar @ Binay Yadav
Resident of Village - Kemkha (Khemkha) Basudeopur, P.S.- Kotwali
(Basudeopur), District - Munger (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P. N. Shahi, Sr. Advocate Mr. Shashi Nath Jha, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-07-2025 Heard learned senior counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

2. The defect no. 6.3 is ignored.

3. This is the second attempt of the petitioner for grant
of regular bail who is facing trial and is in jail since 08.08.2023
in connection with S.Tr. No. 45 of 2024 arising out of Kotwali
(Basudeopur) P.S. Case No. 349 of 2023 registered for the
offence under Sections 302, 326, 307, 120-B/34 of the Indian
Penal Code and under Section 27 of the Arms Act. Earlier the
bail application of the petitioner was rejected vide order dated
03.05.2025 passed in Cr. Misc. No. 5006 of 2024.

4. The petitioner along with some accused persons
have indiscriminately fired upon the father and brother of the



informant. Both, the father and brother of the informant received gun shot injury and as a result of the same, the father of the informant died on spot.

5. Learned Senior Counsel for the petitioner has produced the charge-sheet and the same shows that out of 15 charge-sheeted witnesses, five witnesses have already been examined and ten witnesses are yet to be examined. P.W. 1 (injured witness) has not supported the FIR and he has specifically said that three persons have shot at the deceased which does not include the present petitioner to have shot at the deceased and the deceased has sustained two injuries.

6. Learned Senior Counsel for the petitioner further submits that one similarly situated co-accused has already been granted bail by this Court vide order dated 18.4.2025 passed in Cr. Misc. No. 85680 of 2024.

7. Learned counsel for the State and learned counsel for the Informant have opposed the application of the petitioner for grant of bail and have submitted that the trial of the case has started and in view of the Judgment of the Hon'ble Supreme Court in the case of *X Vs. State of Rajasthan and Anr.* reported in **2024 SCC OnLine SC 3539**, the petitioner may not be granted bail.



8. Considering the fact that the witnesses examined in the trial have not named the petitioner as assailant of the deceased, P.W. 1 has not said that the petitioner is the assailant of the deceased, the fact that the similarly situated accused Karan Kumar has already been granted bail by this Court and also considering the fact that 10 witnesses are yet to be examined in this case, this application is allowed.

9. Let the petitioner, above named, 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 Sessions Judge, Munger/concerned Court below in connection with S.Tr. No. 45 of 2024 arising out of Kotwali (Basudeopur) P.S.Case No. 349 of 2023, subject to the condition that both the bailors should be the close relative of the petitioner.

10. As a condition of this order, the petitioner after being released on bail is directed to mark his attendance at PS-Kotwali (Basudeopur OP) Dist- Munger on every Sunday of each month. Any default in appearance at the police station will result in cancellation of bail bonds of the petitioner.

11. As a condition of this order, the petitioner, after being released on bail is directed to co-operate in the trial either



by appearing personally or through his lawyer in the trial Court on each and every date fixed by the trial Court. Non-compliance of the condition will result in cancellation of the bail bonds of the petitioner.

12. Learned counsel for the informant has submitted that the witnesses are being threatened by the accused persons.

13. In these circumstances, the informant will approach the Principal District and Sessions Judge, Munger for protection under the Protection Witness Programme and if such an application is filed, the same shall be considered and appropriate order shall be passed in accordance with law and the guidelines of the State.

(Sandeep Kumar, J)

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