

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38240 of 2025

Arising Out of PS. Case No.-336 Year-2020 Thana- CHHATAUNI District- East Champaran

Sonu Kumar @ Divanshu Kumar @ Divyanshu Kumar S/o Manoj Patel
Resident of Vill- Bhawanipur Jirat, P.S.- Chhatauni, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2025 Heard Mr.Sanjeev Kumar, learned counsel for the

petitioner and Mr.Akshay Lal Pandit, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chhatauni P.S.Case No.336 of 2020,FIR dated 13.09.2020 registered for the offences punishable under Sections 341,323,324,307,34 of IPC.

3. As per allegation, all the FIR named accused persons were standing at the gate and when the informant went to give key, accused Yuvraj Kumar gave knife blow twice on the back of informant and all other accused persons assaulted the informant with fist and leg.

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



appears from the FIR that although the petitioner is named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons excluding co-accused person, namely, Yuvraj Kumar. From a bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is specific allegation of assault attributed against co-accused person, namely, Yuvraj Kumar and he gave two knife blows on the back side of the informant and thereafter, all the FIR named accused persons including the petitioner have assaulted the informant. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner rather there is specific allegation of assault attributed against co-accused person, namely, Yuvraj Kumar.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the informant has received the injury which is grievous in nature and apart from that, the petitioner carries three more cases other than the present one but fairly submits that out of three cases, the petitioner is on bail in two cases and rest one case is pending for consideration before the competent court of law.

6. Considering the aforesaid facts, there is no specific



allegation of any assault or overt-act attributed against the petitioner rather there is specific allegation of assault attributed against co-accused person, namely, Yuvraj Kumar, let the petitioner, above named, in the event of his 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 learned Chief Judicial Magistrate, Motihari, East Champaran/Successor Court in connection with Chhatauni P.S.Case No.336 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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