

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62327 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- MANSURCHAK District- Begusarai

Sonu Kumar, S/o Hareram Sharma, R/o Village- Sakhmohan, PS- Bibhutipur
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 10-01-2025 Heard Mr. Murari Narain Chaudhary, learned
Advocate appearing on behalf of the petitioner and Mr. Abhay
Kumar Roy, learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Mansur Chak P.S. Case No. 41 of 2024 registered for the offence punishable under Sections 394 and 397 of the Indian Penal Code as well as Section 25(1-B)(a), 26, 27 and 35 of the Arms Act, 1959.

3. The police on an information that one person is lying in injured condition, rushed to the place of occurrence and took away that person to the hospital. A mobile phone has also been recovered from the possession of the injured person. The brother of the injured person disclosed that his brother was going with his vehicle, in the meantime, it appears that some of



the miscreants intercepted and has taken away his vehicle by causing firearm injury. On the basis of the GPS fitted in the vehicle, the vehicle was intercepted by police and two persons including the petitioner was apprehended, who were seated in the said vehicle. On disclosure made by both the persons, one country made *Katta* and two live cartridges were recovered.

4. Learned Advocate appearing on behalf of the petitioner contended that in fact on the alleged date of occurrence, he had taken lift on the said vehicle and, in the meantime, he was apprehended by the police. The petitioner has neither been put on test identification parade or has been identified by the injured. Despite the fact he was taken into custody and incarcerated since 18.04.2024. There is complete denial of the recovery of arms on the statement of the petitioner. The contention of the petitioner is that though the prayer for bail of co-accused Bibhuti Kumar was turned down by this Court, but the case of the petitioner is on different footing and he is having fair antecedent.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that soon after the occurrence the petitioner alongwith co-accused Bibhuti Kumar were apprehended by the



police, who were fleeing away with the vehicle in question. During the course of investigation it has also come that on the disclosure made by the petitioner and co-accused person, the arms and cartridges which were used in the occurrence, have been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that on identical allegation the prayer for bail of the co-accused Bibhuti Kumar has also been turned down and the petitioner stands on identical footing, coupled with the materials available on record suggesting the complicity of the petitioner in crime, this Court does not find any merit in the bail application. Accordingly the prayer for bail stands rejected. However, the petitioner shall be at liberty to renew his prayer for bail after framing of the charge.

(Harish Kumar, J)

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