

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65156 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- BARHARIA District- Siwan

Sonu Kumar @ Sonu Singh Son of Krishna Singh R/O Village- Balahata,
P.S.- Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 20-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Barharia P.S. Case No. 401 of 2023 instituted for the offences under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the petitioner along with other co-accused persons is of road robbery and gun firing in which one bullet hit the Informant's right chest and he fell down.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



The petitioner is not named in the F.I.R. and his name has transpired in this course during course of investigation. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that there is delay of 22 days in registering the F.I.R. that too without explaining any plausible reason for the same which creates doubt in the prosecution case. The name of the petitioner has surfaced in this case on the basis of the spy report. During entire investigation, not a single witness has named the petitioner to be indulged in the alleged occurrence. There is no direct or specific allegation of alleged firing against the petitioner rather the same is general and omnibus in nature. No T.I.P. has been conducted in this case as yet. Charge-sheet has been submitted in this case. The petitioner has no concern with the alleged occurrence. The petitioner has also no concern with any motorcycle or van, in question. The petitioner has two criminal antecedents and has been remanded in this case on 13.06.2024 and, since then, he is languishing in judicial custody.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner has also two criminal antecedents.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barharia P.S. Case No. 401 of 2023.

(Rudra Prakash Mishra, J)

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