

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87918 of 2024

Arising Out of PS. Case No.-500 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Sonu Kumar @ Funtush Kumar, Son of Dinesh Das, Resident of Village-
Gandhi Path, Ward No. 21/14, P.S.- Saharsa Sadar, District- Saharsa
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Saharsa Sadar P.S. Case No. 500 of 2021 dated 26.06.2021
instituted for the offence punishable under Sections 147, 148, 149,
341, 323, 307, 302 of the Indian Penal Code.

3. The prosecution case, in short, is that on 25.06.2021-
26.06.2021, at about 2:00 am, the petitioner and other co-accused
persons with 8-10 unknown miscreants came at the place of
occurrence making unruly scene and took away the informant's
brother, namely, Kanhaiya Kumar and assaulted him with lathi-
danda and iron rod and the injured was taken to the Sadar
Hospital, where injured died during the course of treatment.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the F.I.R. has been lodged against 9 named accused persons. The petitioner is not named in the F.I.R. Learned counsel for the petitioner submits that during the course of investigation, the police added the name of the petitioner in this case as Funtush Kumar @ Badal son of Dinesh Das. Neither the petitioner has any concern with the occurrence nor he is related with the F.I.R. named accused persons in any manner. During the course of investigation, when the police verified the name of the F.I.R. named accused persons, then the police stated that Badal Kumar is Funtush Das while in F.I.R., Badal Kumar son of unknown is mentioned. Later on, Funtush Kumar @ Sonu has been made accused as Badal Kumar @ Funtush. It is submitted that the brother of the informant was killed by the mobs in the intervening night of 25.06.2021-26.06.2021 when his brother was caught during the theft. It is also submitted that other named accused person, namely, Chhotu Kumar has been granted bail *vide* order dated 04.08.2023 passed by this Court in Criminal Miscellaneous No. 43769 of 2023. Co-accused Shankar Das @ Shankar Kumar Das has been granted bail *vide* order dated 28.02.2023 passed by co-ordinate Bench of this Court in Criminal Miscellaneous No. 1064 of 2021. Lastly, it has been submitted that petitioner has no criminal antecedents.



5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Saharsa Sadar P.S. Case No. 500 of 2021, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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