

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87703 of 2024

Arising Out of PS. Case No.-258 Year-2024 Thana- MUNGER MUFFASIL District- Munger

Sonu Kumar @ Fantush Yadav @ Fantush Kumar Son of Late Sh. Bibhuti Prasad Yadav Resident of Mohalla- Sandalpur Police Station -kasim Bazar, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Advocate

Mrs. Mira Kumari, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-01-2025 Heard Mrs. Nivedita Nirvikar, learned Senior counsel
for the petitioner duly assisted by Mrs. Mira Kumari and Mr.
Madhura Nand Jha, learned APP for the State.

2. The petitioner is in custody in connection with
Munger Mufassil P.S. Case No. 258 of 2024 for the offence
punishable under sections 103, 61(2) and 3(5) of the Bharatiya
Nyaya Sanhita and under Section 27 of the Arms Act lodged on
14.07.2024 by the informant, Ganga Devi.

3. The mother is the informant in the case and
according to her, while her son and driver stopped the car for
picking her up, allegation is that Pawan Mandal, Prince Singh
and Shyam Poddar took out their pistols, fired at her son and
driver who died on the spot. Allegation against Ajay Poddar,
Ranju Devi and Rahul Kumar is/are of being liners in the entire



episode. She was mentally imbalanced due to killing of her son and as such, a day later, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that he has not been named either as the person who fired or served as a liner. During the investigation, his name has cropped up as one of the conspirator and subsequently, the Police upon taking him in custody also took the confessional statement. He is in custody since 19.07.2024.

5. Learned APP opposes the prayer for bail submitting that his name has come as the conspirator.

6. Considering the submissions put forwarded by the parties as also the fact that the mother is an eye-witness who has named the persons who opened fire, the others are the liners and the persons who conspired in the entire episode, is in custody since 19.07.2024, FIR lodged and will be facing the trial, in this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, II, Munger, in connection with Munger Mufassil P.S. Case No. 258 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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