

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41422 of 2025

Arising Out of PS. Case No.-288 Year-2024 Thana- DANAPUR District- Patna

Sonu Kumar @ Kallu Kumar S/o Shri Mantosh Sao @ Santosh Sao @ Santosh Pd. Gupta R/o Mohalla- Purani Bazar, San gatpar Masaurhi, P.S.- Masaurhi, District- Patna. At present resident of Sultanpur Math, Near Bishnu Kirana Ki9rana Store, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.M. Ashraf, Sr. Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 09-01-2026 Heard the parties.

2. The petitioner is in judicial custody in connection with S.T. No. 1368 of 2024 arising out of Danapur P.S. Case No. 288 of 2024 for the offence punishable under Sections 302, 201/34 of the Indian Penal Code lodged on 21.03.2024 by the informant, Nageshwar Mochi.

3. As per the prosecution story, the informant alleged that his son, Shrem Kumar went missing. Later, behind the Lalkothi, in a bush, the dead body was recovered. The FIR accordingly came to be lodged.

4. Learned Senior Counsel for the petitioner submits



that earlier, the bail application of the petitioner was rejected on 23.10.2024 in Cr. Misc. No. 54819 of 2024 and the trial Court was directed to take the matter to its logical conclusion at an earliest.

5. Since, no conclusion of the trial happened, the fresh petition.

6. It is the case of the petitioner that he is a young boy having no criminal antecedent, the son of the informant disappeared on 03.03.2024, FIR came to be lodged on 21.03.2024 after the dead body was recovered from the bushes. Subsequently, on suspicion, the petitioner was picked up, his confession was taken before the Police and accepting the said version that he has played role in killing of the informant's son, is in custody.

7. It is his further submission that though the petitioner has remained in custody since 24.03.2024, the trial has not proceeded after the framing of the charge in the year 2024 itself.

8. Learned APP, Mr. Ashok Kumar Singh opposes the prayer submitting that the petitioner has confessed before the Police that due to money issue, he alongwith his associates played an important role in killing of the informant's son after



the deceased took overdose of the injection.

9. In this case, the Trial Court Report was called for and as per the report no. 148 dated 26.09.2025, the charge has been framed on 18.11.2024 and the office was directed to issue summons against the charge-sheet witnesses and as the prosecution failed to bring forward the witnesses,ailable warrants were also issued but due to non-cooperation of the prosecution side, the trial has not commenced.

10. Learned Senior Counsel submits that he has suffered by being in custody for almost two years, has no criminal antecedent, if granted bail, he shall be diligently appearing in trial without fail, shall not leave the district and failure to do so, the prosecution side shall be free to take steps for cancellation of his bail bond.

11. Taking into account the submissions of the parties as also the fact that despite the petitioner being in custody since 24.03.2024, the trial has not commenced though charges framed, he has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial and shall remain available by being in the district itself, in that background, this Court is inclined to extend him the privilege of bail with conditions.



12. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II Danapur, in connection with S.T. No. 1368 of 2024 arising out of Danapur P.S. Case No. 288 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 (Aadhar Card/Voter I.D./Driving License/Pan Card etc.) to show his 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 month till conclusion of the trial to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(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)

Ravi/-

U		T	
---	--	---	--

