

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81005 of 2025

Arising Out of PS. Case No.-349 Year-2023 Thana- KOTWALI District- Munger

Sonu Kumar S/o- Santosh Yadav Resident of Village-Shankarpuur PS-
Mufasil, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2026 Heard Mr. Arvind Kumar Singh, learned counsel for
the petitioner and Mr. Nagendra Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.04.2024 in connection with Kotwali (Vasudeopur) P.S. Case
No. 349 of 2023, F.I.R. dated 04.08.2023 for the offences
punishable under Sections 302, 326, 307, 120(B)/34 of the IPC
and Sections 27, 25(1-b)a, (1)(ii)/35 of the Arms Act.

3. According to prosecution case, the criminals have
open fired upon the father and brother of the informant due to
which his father died and his brother got severely injured.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. Petitioner is not named in the



F.I.R and his name has been transpired during investigation on the basis of confessional statement of the co-accused persons, namely, Santosh Kumar and Raja Kumar. Co-ordinate Bench while granting bail to the co-accused, namely, Kundan Kumar vide order dated 27.09.2024 passed in Cr. Misc. No. 3784 of 2024 has recorded in paragraph no. 3 that *"I have seen the report of the Superintendent of Police, Munger dated 12.09.2024. He has reported that one of the accused Deepak Kumar is serving in C.R.P.F. and on the date of occurrence, he was serving in the State of Assam. He further reported that there is no material to connect the co-accused Deepak Kumar with the crime."* which suggest that the petitioner has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Karan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 18.04.2025 passed in Cr. Misc. No. 85680 of 2024 and another co-accused, namely, Anurag Kumar @ Sajo has also been granted bail by a Co-ordinate Bench of this Court vide order dated 04.07.2025 passed in Cr.Misc. No. 31389 of 2025. The petitioner is in custody since 03.04.2024.



5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, he is not named in the F.I.R and similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Munger in connection with Kotwali (Vasudeopur) P.S. Case No. 349 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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