

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56257 of 2024

Arising Out of PS. Case No.-707 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Sonu Raien @ Katra Son Of Ahmad Raien Resident Of Village - Shahjuma,
Sherganj, Police Station - Sasaram (Town), District - Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 29-11-2024 Heard the learned Advocate for the petitioner, learned
Advocate for the informant and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sasaram (Town) P.S. Case No. 707 of 2023,
registered for the offence punishable under Sections 341, 323,
302, 307, 504 and 506/34 of the Indian Penal Code and Section
27 of the Arms Act.

3. Based upon the written report, the prosecution
alleged that all the FIR named accused persons, including the
petitioner, caught hold of the brother of the informant and it is
specifically alleged that co-accused *Naushad Raines @ Lallu*
fired from his pistol in his stomach, which proved fatal. It is
further alleged that this petitioner fired to one *Sanu Rahman*,
who sustained firearm injury on his leg. Co-accused *Virat*



Kuraishi fired upon *Chand Khan*, due to which he also sustained firearm injury.

4. Learned Advocate for the petitioner contended that, *prima facie*, from the FIR it appears that the informant is not an eyewitness to the alleged occurrence. So far the allegation levelled against the petitioner of causing firearm injury to one *Sanu Rahman* is concerned, though soon after the occurrence *Sanu Rahman* was brought to the hospital for treatment, but strangely, even his statement has not been recorded and for the first time, the statement of the injured was recorded after one and half month. It is also contended that so far the allegation of causing fatal injury is concerned, the same has been levelled against co-accused *Naushad Raines @ Lallu*. Even if the allegation levelled in the FIR taken to be true, for the sake of argument, the same is on the knee and, as such, there was no intention to kill the injured. It is next contended that co-accused *Virat Kuraishi*, against whom there is almost identical allegation of causing firearm injury to one *Chand Khan*, he has been allowed the privilege of regular bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 3222 of 2024 vide order dated 09.04.2024, but after framing of the charge.

5. On the other hand, learned APP for the State and



the informant vehemently opposes the bail application and submits that there is specific allegation of firing over the *Sanu Rahman*, due to which he sustained firearm injury and this fact has also been corroborated by the injury report.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case of the petitioner is only based upon parity with *Virat Kuraishi*, coupled with the specific nature of accusation, this Court is not acceded to the prayer of the petitioner for grant of bail. However, suffice it to observe that co-accused *Virat Kuraishi*, has been directed to be released on bail after framing of the charge. This application also stands disposed off with the similar observation. ***Let the petitioner be released on bail, after framing of the charge, if the same has not already been framed***, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No. 707 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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