

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9814 of 2019

Arising Out of PS. Case No.-634 Year-2016 Thana- KHAGARIA District- Khagaria

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SATTAN SINGH, aged about 40 years, Male, S/o Late Dukha Singh, R/o
Village- Bhadas North, P.S- Mufassil, Distt.- Khagaria ... Petitioner
Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Jai Kishor Poddar
For the Opposite Party : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-02-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
05.04.2018 in connection with S. Tr. No. 317 of 2018 arising
out of Khagaria (Muffasil) P.S. Case No. 634 of 2016 for the
offences alleged under Sections 302, 201, 120B and 34 of the
Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that he received information that one villager has been killed
and his body was lying in the post mortem room. Thereafter, he
received an information that a dead body is near the road and
found that his brother, Arun Yadav, has been killed. The
informant named about 8 to 9 persons alleged in the said killing.

It has been submitted by the learned counsel for the
petitioner that he is innocent and not named in the first



information report. His name surfaced on the confessional statement of co-accused, Sujay Singh, before the police, which has no evidentiary value in the eye of law. He, further, submits that one of the co-accused, named by co-accused, Sujay Singh, has been granted the privilege of bail by coordinate Bench of this Court in Cr. Misc. No. 60191 of 2018, dated 11.10.2018. He, further, submits that some of the named accused has also been granted the privilege of bail by coordinate Bench of this Court and the petitioner is languishing in judicial custody since more than ten months. The petitioner undertakes to cooperate in the trial on day-to-day basis.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear clean antecedent and four more cases for serious offences and under the Arms Act are pending against him.

Considering the facts and circumstances and the materials on record as well as the other co-accused have been granted the privilege of bail, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 317 of 2018 arising out of Khagaria



(Muffasil) P.S. Case No. 634 of 2016 to the satisfaction of the learned Sessions Judge, Khagaria, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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