

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80014 of 2018

Arising Out of PS. Case No.-542 Year-2018 Thana- KHAGARIA District- Khagaria

Sagun Yadav @ Sagun Kumar, S/o Umesh Yadav, Resident of Satghatta, P.S.-
Alauli, Distt. - Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar

For the Opposite Party/s : Mr.Sri Zainul Abedin

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-02-2019 Heard the learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody since 15.08.2018 in
connection with Khagaria P.S. Case No.542 of 2018, registered under
Sections 302/34 of the Indian Penal Code and 27 of Arms Act.

Learned counsel for the petitioner submits that the
present petitioner is not named in the FIR and the name of the
petitioner has transpired subsequently in the confessional statement
made before the police by himself after he was taken into custody on
the basis of call details of one Lalo Yadav who is said to have been
communicating with the petitioner on the date of occurrence.

Learned counsel for the informant thus submits that the
present petitioner is not entitled to the privilege of bail as on the basis
of confession made before the police and certain recoveries have also
been made. It is further submitted that in view of such recoveries, the
petitioner was also part of the conspiracy and may not be granted the



privilege of bail.

Dairy in the present case was called for which has since been received. Learned counsel appearing on behalf of the State after perusal of case diary submits that save and except the aforesaid, there is no further cogent material in the dairy against the petitioner.

Having considered the entire facts and circumstances of the case and on perusal of the materials which have been placed before this Court and also in view of the fact that the implication of the petitioner is on the basis of the presumption that the said Lalo Yadav was in collusion with the petitioner had been communicating with the main accused, Lalo Yadav, on the date of occurrence and that there being no further materials save and except the said implication, let the petitioner, above named, is directed to be enlarged 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 C.J.M., Khagaria in connection with Khagaria P.S. Case No.542 of 2018, subject to condition that one of the bailors will be his father.

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(Anjana Mishra, J)

