

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26194 of 2020**

Arising Out of PS. Case No.-368 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

Sanjay Kumar Gond @ Sanjay Kumar Gor S/o Mangaru God Resident of
Village-Balua Daulatpur, P.S.-Ara (M), District-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 07-12-2020 Heard learned counsel for the petitioner and Mr. Pawan
Kumar Chaurasia, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ara Muffasil P.S. Case No. 368 of 2018 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

As per prosecution story, the son of the deceased given a report to the police that his father was working on mobile tower and on 16.11.2018 at 08:30 P.M. one mobile call came on the mobile of his father but his sister had received the same but it was cut and then after 10 minutes again a call was received by his father and he rushed to the mobile tower by saying that he would return after some time but he did not return till late night, when his family members starting search then the dead body of the father of the informant was found and the present FIR has been lodged.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has transpired in the confessional statement of co-accused Saroj Kumar Yadav who has already been granted bail in Cri. Misc. No. 26553 of 2019 by a learned Co-ordinate Bench of this Court. The petitioner has no criminal antecedent.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the FIR and his name has transpired in the confessional statement of co-accused Saroj Kumar Yadav who has been granted bail in Cri. Misc. No. 26553 of 2019 (para '8' of the petition) and said Saroj Kumar Yadav is said to have murdered the father of the informant at the instance of this petitioner, the petitioner has no criminal antecedent and there being already bail granted to co-accused, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 368 of 2018, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

