

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5260 of 2022

Arising Out of PS. Case No.-253 Year-2020 Thana- MURLIGANJ District- Madhepura

Prem Sagar @ Prem Sagar Kumar S/o Mulchand Mandal @ Birchand Kumar
Resident of Village - Gangapur, Ward NO. -8, P.S.- Murliganj, District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Kamal Kishore Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Murliganj P.S. Case No. 253 of 2020 registered
for the offences punishable under Sections 302, 201/34 of the
Indian Penal Code.

As per the prosecution case, it is alleged that the
brother of the informant who used to work as a driver, informed
the informant on telephone that he left the passengers on their
destination and now is taking breakfast and tea. Later on his



brother could not be contacted and subsequently his dead body was found and identified by the informant.

Learned counsel appearing on behalf of the petitioner submits that the FIR was registered against unknown. The name of the petitioner has transpired in the confessional statement of co-accused 'Eklavya Kumar and Preetam Kumar' and save and except the confessional statement, there is no other material suggesting the complicity of the petitioner in the present crime. He next submits that co-accused 'Eklavya Kumar and Preetam Kumar' on whose confession, the name of the petitioner has transpired, they have already been granted bail, which fact has been mentioned in paragraph no 9 of the bail application. He next submits that other co-accused person having identical allegation has also been allowed the privilege of bail by this Court in Cr. Misc. No. 68654 of 2021 vide order dated 17.05.2022. The petitioner is in custody since 13.09.2021 having fair antecedent.

On the other hand learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, the witnesses have supported the prosecution case and materials available on record, which suggests the complicity of the petitioner in the present crime.



Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired on the confessional statement of co-accused persons who have already been allowed the privilege of bail and save and except suspicion, there is no other material, suggesting the complicity of the petitioner, let the petitioner, named above, be released on bail 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, Madhepura in connection with Murliganj P.S. Case No. 253 of 2020 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. Learned counsel for the petitioner is permitted to



remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

(Harish Kumar, J)

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