

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6954 of 2022

Arising Out of PS. Case No.-38 Year-2019 Thana- RAUTARA District- Katihar

SANJIV KUMAR PODDAR @ TIPU PODDAR @ SANJEEV PODDAR
Son of Late Muneshwar Poddar Resident of Mohalla - Tingachhiya, Police
Station - Katihar Town, District - Katihar (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 120B read with Section 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The son of the informant is alleged to have shot dead
by the petitioner and others.

Learned counsel for the petitioner submits that earlier
the prayer for bail of the petitioner has been rejected by a co-
ordinate Bench of this Court vide order dated 30.06.2020 passed
in Cr. Misc. No. 8145 of 2020 and thereafter the petitioner has
renewed his prayer for bail vide Cr. Misc. No. 50206 of 2021
which had been permitted to be withdrawn by this Court vide
order dated 22.12.2021 to move afresh. Now the petitioner is



before this Court renewing his prayer for bail.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that there is no eye witness to the alleged occurrence. He further submits that the trial of the case is not likely to be concluded in near future as the report received from court below reveals that the trial of the case is still pending for the prosecution evidence and out of 13 charge sheet witnesses, only five have been examined. He also submits that the co-accused, Rakesh Jha has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.08.2021 passed in Cr. Misc. No. 21412 of 2021 and the petitioner is rotting in judicial custody since 18.11.2019 i.e. more than two years. Hence, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rautara P.S. Case No. 38 of 2019 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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