

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14844 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- KUDHNI District- Kaimur (Bhabua)

Sujit Kumar Singh @ Sujit Kumar, Son of Arvind Singh Resident of Village -
Chhatauna, P.s.- Dhansoi, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 02-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 17 of 2022, arising out of Kudhni P. S

Case No. 23 of 2021 registered for the offences punishable

under Sections 302 and 120 B of the Indian Penal Code.

The prosecution story as emerging from the FIR is

that petitioner has inflicted knife blow on the victim due to

which he died.

The learned counsel 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 strong motivation of false implication on account of property dispute between the accused-petitioner and the informant. He further submits that the petitioner is just 18 years old and is studying in class 12th and he has already been languishing in jail since 21.09.2021. He further submits that there is no eye-witness of this case. He further submits that FIR was lodged against four accused persons including the petitioner but charge-sheet has been submitted only against the petitioner exonerating the rest three accused persons. As such, investigation is already complete.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the alleged offence is serious in nature. However, he fairly concedes that there is no eye witness as per the FIR.

Considering the aforesaid facts and circumstances,



particularly the age of the accused as well as investigation being already complete, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-III, Kaimur, Bhabhua, in connection with Sessions Trial No. 17 of 2022 arising out of Kudhni P. S. Case No. 23 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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