

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22857 of 2022

Arising Out of PS. Case No.-350 Year-2018 Thana- LALGANJ District- Vaishali

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Jagdish Sah, S/o Late Bhagwat Sah, Resident of Village- Jahanabad, P.S.-
Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 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. Sunil Kumar Singh, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Lalganj P.S. Case No. 350 of 2018 registered
for the offences punishable under Sections 363, 364, 302, 201,
120(B)/34 of the Indian Penal Code.

As per prosecution case, it is alleged that one Mithun
Sahni came to the house of the informant and called his younger
brother Sumit Kumar, who accompanied with the said Mithun
Sahani, but the brother of the informant did not return. It is
further alleged that subsequently said Mithun Sahni was arrested
in another case and he disclosed that the brother of the



informant has been killed by all the accused persons.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. and his name transpired on the confessional statement of co-accused Mithun Sahani, who disclosed the name of other co-accused persons, namely, Vijay Rai, Ramesh Ram, Varun Paswan and others including the petitioner in the killing of the deceased. It is next submitted that save and except the confession made by the co-accused, there is no other material, which suggests the complicity of the petitioner in the present crime. It is next submitted that there is no eye witness to the alleged occurrence and moreover, this petitioner is aged about 67 years old and he himself surrendered before the learned court below on 19.01.2022 and since then he is in custody. It is lastly submitted that other co-accused, whose name transpired in the confessional statement of accused Mithun Sahani, have already been granted bail by different learned coordinate Benches of this Court, the copies of which have been annexed as Annexures-2 series to this application.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner transpired during the course of



investigation.

Having regard to the submissions made on behalf of the parties and considering the fact that the name of the petitioner transpired in the confessional statement of co-accused Mithun Sahani along with other persons and moreover the co-accused persons, having identical allegation, have already been granted bail by different learned co-ordinate Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 350 of 2018 subject to the condition that one of the bailors will be the close relative 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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