

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29280 of 2022

Arising Out of PS. Case No.-469 Year-2020 Thana- ALAMGANJ District- Patna

Shivam Kumar Sanjay Kumar Resident of Mohalla-Chailital, Near Kamla School, Police Station-Alamganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Alamganj P.S. Case No. 469 of 2020 registered for the offence under Sections 302, 307 and 34 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in custody since 15.08.2020.

The allegation against the petitioner is to commit murder of the daughter of informant along with other co-accused persons/family members in the background of property/land dispute.



Learned counsel appearing on behalf of the petitioner submitted that the informant is the father of deceased and it appears to be doubtful to be an eye witness of the occurrence as occurrence took place in matrimonial house and moreover, the allegation as regard to fatal assault is general and omnibus. It is also submitted that occurrence is founded over land dispute, where similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench by this Court through Cr. Misc. No. 24627 of 2021 vide order dated 23.11.2021. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to fatal assault is general and omnibus against this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Alamganj P.S. Case No. 469 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 1st Patna



City, Patna/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Sarita Devi, who is the younger mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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