

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40903 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- NAUGACHIA District- Bhagalpur

Sajan Singh @ Ankit Singh S/O Mithlesh Singh R/o village- Pachgachia, P.S.-
Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nagendra Prasad,APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 28-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Rajesh Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The petitioner seeks bail in connection with
Naugachia P.S.Case No. 43 of 2020 registered for the offences
punishable under Sections 364,120B, 34 of the Indian Penal
Code, later on Section 302 and 27 of the Arms Act was also
added.

As per prosecution case, in sum and substance,
suspicion has been raised by the informant that her husband has
been killed by co-accused Manish Singh by hatching conspiracy
with co-accused Sukesh Sharma, while the husband of the



informant was returning to Naugachia Zero mile on 04.02.2020.

It is submitted by the learned counsel for the petitioner that petitioner is not named in the FIR. However, in course of investigation, co-accused Sukesh Sharma was apprehended and he disclosed the name of this petitioner. It is further submitted that later on, co-accused Sukesh Sharma has been granted bail by the court below itself in B.A No. 55 of 2020, order has been Annexed as Annexure-2. It is further submitted that during the course of investigation, except confessional statement , there is no other material which suggests the complicity of this petitioner in the said crime. It is also submitted that co-accused Manish Singh, against whom, there is specific allegation of causing death of the husband of the informant, has also been granted bail by the learned co-ordinate Bench of this Court vide order dated 21.09.2021 in Cr. Misc. No. 950 of 2021. It is next submitted that petitioner is in custody since 10.08.2020, though investigation has already been concluded and the charge sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application of the petitioner and submits that co-accused Sukesh Sharma disclosed the name of this petitioner and stated that this petitioner has actively



participated in the said crime. Petitioner has involved in ten other cases.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has surfaced on the confession of co-accused Sukesh Sharma, who has already been granted bail by the learned Court below itself, apart from the fact that investigation has already been concluded and charge sheet has been submitted and moreover, petitioner is in custody since 10.08.2020, let the petitioner above named, 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 1st Naugachia in connection with Naugachia P.S. Case No. 43 of 2020 subject to the following conditions:-

(I) One of the bailors should be the close relative of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.



(iv) The court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has canceled his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of the bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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