

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35171 of 2022

Arising Out of PS. Case No.-272 Year-2018 Thana- SUGAULI District- East Champaran

SAURABH @ CHHOTU @ CHHOTU BHARTI @ SAURABH BHARATI
SON OF CHANDRA SHEKHAR BHARTI R/O - NAGA ROAD, P.S.-
RAXAUL, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sugauli P.S. Case No. 272 of 2018 registered for the offences punishable under Sections 302, 201, 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, when informant's father alongwith his driver was going to the house of informant's maternal uncle then in the way near Singhiya Gumti, Motihari three unknown persons came and talked with informant's father and they sat in vehicle and the vehicle proceeded. On the way,



the aforesaid three persons fired upon the informant's father and driver due to which informant's father died and treatment of the driver was going on. Hence, the F.I.R. has been registered against unknown.

Learned counsel for the petitioner submits that petitioner is in custody since 23.01.2022. Petitioner bears four criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. and his name has been transpired on the basis of confessional statement of Sujit Kumar Yadav in Ramgarhwa P.S. Case No. 138 of 2018. Except confessional statement of co-accused Sujeet Kumar Yadav, there is nothing on record to demonstrate the complicity of the petitioner with the present case. Similarly situated co-accused Anil Kumar Yadav and Brij Prasad Yadav have already been granted bail vide Cr. Misc. No. 2671 of 2019 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case



as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, similarly situated co-accused persons have already been granted bail by the co-ordinate bench, and also taking into consideration the materials available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 21st Additional Sessions Judge, East Champaran, Motihari in connection with Sugauli P.S. Case No. 272 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time



of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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