

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46065 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

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MOHAN PATEL S/o Yogendra Ray Resident of Village- Ashapatti Parsauni,
P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Sahebganj P.S. Case No. 138 of 2020 registered for the offence under Sections 302, 201, 379, 404/34 of the Indian Penal Code.

As per the prosecution case, the son of the informant is said to have been killed.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that the petitioner has been made accused in this case merely on the basis of suspicion. The police after investigation has submitted charge-sheet in this case under Section 379, 404 and 34 of the Indian Penal Code and so far as Section 302 of the Indian Penal Code is concerned, it is stated that the decision shall be taken after viscera examination. Moreover, the co-accused, namely, Rajesh Kumar @ Rajesh Sah, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.09.2021 passed in Cr. Misc. No. 15770 of 2021. The petitioner is rotting in judicial custody since 06.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Muzaffarpur in connection with Sahebganj P.S. Case No. 138 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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