

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56057 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- JANKINAGAR District- Purnia

Nandan Kumar Sah Son Of Vijay Sah Resident Of Village- Gadhia, P.S.-
Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv

For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

The allegation against the petitioner as per the prosecution case is that he was involved in gruesome murder of one Chandan Kumar Sah whose body was found in canal with head chopped off.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. The name of the



petitioner has been transpired on the basis of the confessional statement of co-accused, namely, Rakesh Kumar @ Ajad Kumar. He further submits that there is no eye witness of the alleged occurrence and except confessional statement of co-accused and self-confessional statement of the petitioner nothing has come against the petitioner during investigation and the co-accused, namely, Rakesh Kumar @ Ajad Kumar has been granted bail vide order dated 23.02.2022 in Cr.Misc. No.25938 of 2021 by this Hon'ble Court and the petitioner is in custody since 17.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Janki Nagar Police Station Case No.101 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 cancelled 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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