

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9841 of 2023

Arising Out of PS. Case No.-647 Year-2021 Thana- SARAIYA District- Muzaffarpur

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LADDU KUMAR @ LADDU SINGH @ SAMEER KUMAR SON OF
SHAMBHU SINGH R/O VILLAGE- CHAUBEY AMBARA, P.S.-
SARAIYA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Saraiya
P.S. Case No. 647 of 2021 dated 15.09.2021 registered for the
offence under Sections 302/34 of the Indian Penal Code and
Section 25(1-b)a, 26 and 35 of the Arms Act.

The son of the informant is alleged to have been killed
after inflicting gun shot injury at the instance of the co-accused
including the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case merely on the basis of suspicion. He further submits
that the petitioner has not been named in the F.I.R., however, his
name transpired in this case during course of investigation on the



basis of his self confessional statement. Save and except the self confessional statement of the petitioner, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, the similarly situated co-accused, namely, Rakesh Kumar, Prashant and Keshav Kumar, have already been granted bail by different co-ordinate Benches of this Court vide order dated 19.12.2022, 03.02.2023 and 14.02.2023 passed in Cr. Misc. No. 11394 of 2022, Cr. Misc. No. 57585 of 2022 and Cr. Misc. No. 37799 of 2022, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 16.09.2022.

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

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 Additional Chief Judicial Magistrate-IV, West, Muzaffarpur in connection with Saraiya P.S. Case No. 647 of 2021 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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