

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9785 of 2023

Arising Out of PS. Case No.-141 Year-2019 Thana- JADIA District- Supaul

Saroj Kumar @ Saroj Yadav Son Of Mahanand Yadav R/O Village- Bhoraha,
P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 14.09.2022, in connection with Jadia P.S. Case No. 141 of 2019, F.I.R. dated 08.08.2019 registered for the offences punishable under Sections 147, 148, 149, 450, 341, 342, 326, 307, 120(B) and later on Section 302 of the Indian Penal Code was added, Sections 27 of the Arms Act.

Informant who is wife of the deceased has stated that on 08.08.2019 in the morning seven persons on two motorcycles came and fired upon her husband, resulting in his death.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Anil Sah and except the confessional statement of co-accused person, no other cogent material has come during investigation to connect the petitioner in the present occurrence and the said Anil Sah has been granted bail by a Coordinate Bench of this Court vide order dated 01.06.2020 passed in Cr. Misc. No. 5852 of 2020, another co-accused person namely Karnveer Kumar @ Karnveer has been granted bail by a Coordinate Bench of this court vide order dated 01.06.2020 passed in Cr. Misc. No. 86350 of 2019, another co-accused person namely Deepak Kumar @ Deepak Kumar Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 19.03.2020 passed in Cr. Misc. No. 69782 of 2019 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight more cases 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/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Jadia P.S. Case No. 141 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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