

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19113 of 2023**

Arising Out of PS. Case No.-300 Year-2021 Thana- KASIMBAZAR District- Munger

Vidya Sagar @ Raj Son Of Nandkishore Yadav R/O Village- Khoza Bazar,
P.S.- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate Ms. Shweta Anand, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
04.11.2022 in connection with Kasim Bazar P.S. Case No. 300
of 2021, F.I.R. dated 30.1.2021 for the offences punishable
under Section 302 of the Indian Penal Code and Section 27 of
the Arms Act.

According to prosecution case, some unknown
miscreants have killed the brother of the informant while he was
returning from restaurant where he used to work.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been 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 the confessional statement of the co-accused, namely, Amrit Kumar Raut @ Datla which was recorded in paragraph 225 of the case diary and thereafter confessional statement of the petitioner was recorded in paragraph 230 of the case diary. He further submits that except the confessional statement of the co-accused person and the confessional statement of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No. 300 of 2021, 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 witnesses, 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 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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