

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26308 of 2023

Arising Out of PS. Case No.-368 Year-2021 Thana- KATEYA District- Gopalganj

SUJEET YADAV @ SUJEET KUMAR YADAV SON OF LALBABU
YADAV RESIDENT OF VILLAGE - BHANGAHI SOHAGPUR,
CHHITAUNA, P.S. - KATEYA, DISTT. - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 25-07-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 15.10.2022 in connection with Kateya P.S. Case No.368/2021, dated 12.10.2021, for the offences punishable under Sections 394, 302/34 of the IPC.
3. According to prosecution case, three unknown persons fired upon the brother of the informant due to which he died. All the three accused persons were identified by the villagers, while they were fleeing.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused, namely, Amresh Giri @



Shaka Pandit. He further submits that as per F.I.R. the villagers saw the present occurrence but they have not disclosed the name of the accused persons including the petitioner and even the informant is not an eyewitness of the present occurrence. He further submits that no one seen the present occurrence and except the confessional statement of the co-accused and self confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Amresh Giri @ Shaka Pandit has been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No.26901/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.10.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried three criminal antecedent other than the present one as it appears from para-3 of the supplementary affidavit.

6. 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 C.J.M., Gopalganj in connection with Kateya P.S. Case No. 368/2021, 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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