

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25155 of 2023**

Arising Out of PS. Case No.-223 Year-2022 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Sonu Patel S/o Radhe Shyam Singh, Resident of Village- Nadula (Orgawn),
P.S.- Bhagwanpur, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.
For the Opposite Party/s : Mr. Ram Naresh Ray, APP
for the Informant : Mr. Dharmendra Kumar Singh, Adv.

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

- 3 18-07-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since
22.10.2022 in connection with S. Tr. No.78/2023, arising out of
Bhagwanpur P.S. Case No.223/2022, dated 17.10.2022, for the
offence punishable under Section 363 of the IPC and later on
Sections 324, 302, 201 and 34 of the IPC were added.
3. The FIR of the occurrence of murder is against
unknown.
4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion.



He further submits that as per allegation in the F.I.R., the petitioner was last seen with the deceased, who happens to be the son of the informant. He further submits that no one has seen the alleged occurrence and even the informant is not an eyewitness of the alleged occurrence and merely on the basis of suspicion, the petitioner has been implicated in the present case. He further submits that during course of investigation, the petitioner has confessed his guilt before the police and co-accused persons, namely, Yogendra Patel @ Guru, Ganesh Patel, Pradumann Patel have been granted bail by this Court vide order dated 11.07.2023 passed in Cr. Misc. No. 13962/2023 along with other analogous cases. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.10.2022.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence. Learned counsel for the informant further submits that the bail petition of the co-accused, namely, Nilesh Patel has



been rejected by a Co-ordinate Bench of this court vide order dated 18.05.2023 passed in Cr. Misc. No.24081/2023.

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 1st Additional Sessions Judge, Kaimur at Bhabua in connection with S. Tr. No.78/2023, arising out of Bhagwanpur P.S. Case No.223/2022, 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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