

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27724 of 2023

Arising Out of PS. Case No.-577 Year-2017 Thana- MASAUDHI District- Patna

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Sagar Yadav @ Sagar Kumar @ Vikash @ Thakur S/O Sunil Yadav @ Sunil Kumar Yadav R/O Nirankar Bhawan, Morcha Road, Mathanital Road, Morchapur, P.S.-Chowk, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Masaurhi P.S. Case No.577 of 2017 registered for the offence under Sections 302, 120-B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 07.02.2022.

The allegation against the petitioner is to commit the murder of the daughter of informant by causing firearm injury alongwith other co-accused persons out of unexplained disputes and differences arises due to previous acquaintance.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is falsely implicated in the present case and moreover, allegation to cause fatal firearm injury is not appearing specific against this petitioner. It is also submitted that informant is not the eye-witness of the occurrence and merely on the basis of suspicion present implication is raised. It is further submitted that similarly situated co-accused, namely Suraj Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 47976 of 2018 vide order dated 23.08.2018. It is submitted that the implication of this petitioner also appears for the reason as he found involved in 16 more criminal cases, where he is on bail and out of said suspicion he is also implicated with the present case having otherwise no bearing over the merit. It is also submitted that even charge is not framed in this case, where petitioner is in custody since 07.02.2022 and as such, conclusion of trial is a remote aspect. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned



above and by taking note of the facts as save and except suspicion nothing appears incriminating to connect petitioner with the present occurrence, where trial is not likely to conclude in the near future coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 07.02.2022, let above named petitioner is directed to be released on bail in connection with Masaurhi P.S. Case No.577 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Masaurhi, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial, should not interact with prosecution witnesses



and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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