

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41231 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- ALAMNAGAR District- Madhepura

VIJAY SADA Son of Late Ramswaroop Sada Resident of Village - Baghra,
P.S.- Beldour, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 25-01-2023 Let the defect(s), as pointed out by the office,

be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Alamnagar (Ratwara) P.S. Case No. 98 of 2021 registered

for the offences punishable under Sections 302, 201/34 of

the I.P.C.

As per prosecution case, petitioner and others

with the help of some unknown persons committed the

murder of informant's son.

Learned counsel for the petitioner submits that

petitioner is in custody since 06.02.2022. Petitioner bears



no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Informant is not the eye witness to the alleged occurrence. From perusal of the F.I.R., it appears that the occurrence took place on 04.05.2021 and the F.I.R. was lodged on 07.05.2021 after the delay of three days and there is no satisfactory explanation given regarding the delay in lodging the F.I.R. Learned counsel further submits that petitioner is implicated in this case merely on suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. There is no motive to commit the murder of informant's son. Learned counsel further submits that at best it is case of last seen against the co-accused Gourav Rishidev and petitioner has no concern with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. No cogent evidence is available against the present petitioner.



The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, 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 J.M. 1st Class, Udakishunganj, Madhepura in connection with Alamnagar (Ratwara) P.S. Case No. 98 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

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