

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45268 of 2022

Arising Out of PS. Case No.-765 Year-2021 Thana- DANAPUR District- Patna

=====

SUJEET KUMAR @ SUJIT KUMAR SON OF LATE KAILASH BHAGAT
R/O VILLAGE- MATAULIYA, P.S.- BELSAND, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ajay Kr Singh No.1
For the Opposite Party/s	:	Ms.Asha Kumari
For the Informant	:	Mr.Sunil Kumar Verma

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-01-2023 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, learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with S.Tr. No. 169/2022 arising out of Danapur P.S. Case No. 765/2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per prosecution case, on 26.10.2021 the informant was informed by his cousin that his brother Mishrilal since (deceased) has been killed mercilessly. It is alleged that the dead body of the deceased was lying on the bed having swelling in his neck and scratching marks on his face. The Informant further



submits that his deceased-brother had been working as a labour-contractor in the Acqua-city in Ashopur for last three years and was residing in the same rented accommodation with Sachin Kumar (co-accused) and Sujeet Kumar (petitioner). As per informant, the aforesaid two accused persons were sleeping with the deceased on the fateful night after having dinner and were found besides the dead body of the deceased. The petitioner and other could not given satisfactory explanation when enquiry was made. It is further alleged that the petitioner and other have committed the murder of informant's brother by pressing his neck.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case on account of suspicion. The petitioner is languishing in custody since 27.10.2021 and bears no criminal antecedent. From perusal of the FIR, it appears that no cause of motive has been found for committing the alleged occurrence. He further submits that from perusal of the FIR, it appears that the informant is not an eye witness to the alleged occurrence only suspicion has raised against the petitioner. He further submits that during course of investigation no cogent material has come against the petitioner. Except suspicion there is nothing on



record to demonstrate the complicity of the petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Akash Kumar has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.40397/2022 and co-accused Ravi Kumar @ Saurav Kumar has been granted Anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No.17129/2022 and the case of present petitioner stands more or less on similar footing.

The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that petitioner alongwith co-accused were sleeping with the deceased and they were found the dead body of the deceased but no satisfactory explanation was given by the petitioner and other with regard to the alleged occurrence.

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration



the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Danapur, Patna in connection with S.Tr. No. 169/2022 arising out of Danapur P.S. Case No. 765/2021, 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 each and every date and if he fails to do so without appropriate permission of the trial court, his bail bond shall be cancelled 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)

amitkumar/-

U		T	
---	--	---	--

