

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33153 of 2022

Arising Out of PS. Case No.-333 Year-2021 Thana- HATHUA District- Gopalganj

Golu Kumar Son Of Daroga Prasad @ Baliram Prasad R/O Village- Mani
Chhapar, P.S.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46236 of 2022

Arising Out of PS. Case No.-333 Year-2021 Thana- HATHUA District- Gopalganj

SAGAR KUMAR @ SAGAR KUMAR PATEL Son of Mahesh Prasad R/v-
Mani Chhapar, P.S- Hathua, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33153 of 2022)

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 46236 of 2022)

For the Petitioner/s : Mr.Naresh Prasad, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 23-02-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State in both the applications.

The petitioners seek bail in a case registered for the
offence under Sections 394,302 of the Indian Penal Code and
Section 27 of Arms Act.

The FIR of the occurrence of murder is against



unknown.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that the petitioners are not named in the FIR. The name of the petitioners have been transpired during investigation on the basis of the re-statement of the informant and thereafter self-confessional statement of the petitioners. Further submits that it has come during investigation that Shubham Pathak has fired upon the son of the informant and it appears from the FIR that the date of occurrence as alleged in the FIR is 12.12.2021 but the present FIR has been instituted on 13.12.2021 without giving any explanation of delay. Further submits that till date no TIP has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 12.02.2022.

Vide order dated 16.01.2023 a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 03.02.2023 reveals that the case is pending for prosecution evidence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners. Further submits that petitioner Golu



Kumar carries four more cases and petitioner Sagar Kumar @ Sagar Kumar Patel carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Hathua P.S.Case No. 333 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. 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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