

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50700 of 2023

Arising Out of PS. Case No.-526 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Suraj Patel Son Of Ashok Patel Resident Of Village - Sdo Road @ Hajipur,
P.S. - Town Hajipur, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 30.09.2021 in connection with Hajipur Sadar P.S. Case No. 526 of 2021, F.I.R. dated 03.06.2021 for the offences punishable under Sections 302 and 394 of the Indian Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, the son of the informant was shot dead by the miscreants while he was returning from his office and they have also looted away his motorcycle.



5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Sanjay Kumar and thereafter the self confessional statement of the petitioner. He further submits that except the confessional statement of the co-accused and the self confessional statement of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Suraj Kumar @ Suraj Paswan has been granted bail by a co-ordinate Bench of this Court vide order dated 18.07.2022 passed in Cr. Misc. No. 16193 of 2022, co-accused, namely, Amresh Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 25.07.2022 passed in Cr. Misc. No. 12113 of 2022 and other accused persons have also been granted bail by different Co-ordinate Bench of this Court. The petitioner is in custody since 30.09.2021.

6. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the three cases.

7. 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 526 of 2021, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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