

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54611 of 2023

Arising Out of PS. Case No.-153 Year-2020 Thana- PHULWARIYA District- Gopalganj

BHARAT SINGH @ BHARAT BHAGAT S/o- LATE BANGALI SINGH @
SUDARSHAN BHAGAT Village- Kawaalarahi Ps- Bhore Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Fulwaria P.S. Case No. 153 of 2020 registered under Sections 302/34 of the Indian Penal Code lodged on 29.06.2020 by the informant, Satraj Choudhary.

As per the prosecution story, the allegation is that ‘Chowkidar’ found a dead body which was three days old with cut mark on it and it was opined to be inflicted by sharp cutting weapon. Accordingly, the FIR was lodged against unknown person.

It is the case of the petitioner that he has been implicated on the basis of last seen as he along with Saurav Giri were found seen on a motorcycle. However, it has no connection



with the alleged occurrence. Further submission is that similarly situated co-accused, namely, Saurav Giri, has been granted bail by a co-ordinate bench of this Court vide order dated 22.11.2021 passed in Cr. Misc. No. 19607 of 2021.

Learned APP for the State opposes the prayer for bail stating that the petitioner has criminal antecedent whereas Saurav Giri was not having any criminal antecedent.

Though in paragraph-3, it is clear that the petitioner is having criminal antecedent, so far as the allegation is concerned, the petitioner is also on similar footing as that of Saurav Giri who has been granted bail, as stated above, he has remained in custody since 13.04.2023 and he will have to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM- XVI, Gopalganj in connection with Fulwaria P.S. Case No. 153 of 2020, subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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