

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57773 of 2022

Arising Out of PS. Case No.-922 Year-2021 Thana- BARAHAT District- Banka

Sanjay Roy Son Of Late Asharfi Roy R/O Village- Chandrapura, P.S.-
Barahat, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
15.12.2021, in connection with Banka (Barahat) P.S. Case No.
922 of 2021, F.I.R. dated 23.11.2021 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioner is to commit the
murder of husband of the informant along with other co-accused
persons, due to property dispute arising out of land partition.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. that there is general and omnibus
allegation against all the accused persons including the



petitioner and in fact the petitioner is step brother of the deceased and there is admitted land dispute between the parties and due to this reason, the petitioner and his family members have been falsely implicated in the present case. He further submits that co-accused persons namely Ajay Roy and Dhananjay Roy, who are brothers of the petitioner, have been granted bail by a Coordinate Bench of this Court vide order dated 20.12.2022 passed in Cr. Misc. No. 33458 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.12.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, 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 Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 922 of 2021, subject to the following conditions :-

(1) 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.

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

(3) 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 antecedents, 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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