

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58443 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- SONBERSA District- Saharsa

Sanjeet Kumar @ Sanjeet Yadav Son of Amir Yadav Resident of Village-
Tikarampur, P.S.- Tikarampur, District- Munger, at present Village Mali, P.S.-
Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, as per fardbeyan of the
informant Bala Lakhandar on 27.03.2022 the informant (who
was Khalasi of the vehicle) and driver (deceased) were going to
Saharsa and in the way on 29.03.2022 in the night 00:30 hours
when they reached Maina Petrol pump the informant saw in the
light of truck 03 criminals were in position to loot and one
criminal signed to stopped the vehicle but the truck was not
stopped. One criminal made pistol fire and driver Nitish Kumar
sustained injury in chest and he became injured and then the



criminals fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of information given by the spy and self confessional statement of the petitioner. He further submits that the petitioner is not named in the F.I.R. and except the aforesaid no cogent material has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is remanded in the present case from the Sonbarsa P.S. Case No. 77 of 2022 on 22.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one but fairly submits that the petitioner is on bail in three cases as stated in para-3 of the bail petition.

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 Court below where the case is pending in connection with Sonbarsa Raj P.S. Case No. 76 of 2022, 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 witnesses, 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 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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