

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69810 of 2023

Arising Out of PS. Case No.-1006 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Sagar Kumar @ Chinshu Son Of Lalit Tanti Residnet Of Mohalla - Laluchak
(BHATTA), P.S. - Ishakchak, District - Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kotwali P.S. Case No. 1006 of 2022 registered on 29.10.2022 for the alleged offences under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

3. As per prosecution case, police recovered a dead body lying in the field of medical quarter. A case was registered against unknown for causing death of the person whose dead body was recovered since cut injuries were found behind the head, above the neck and nose. The name of the petitioner surfaced during investigation as one of the accused persons who was involved in the murder of the said person.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case since his name surfaced in this case on the basis of confessional statement of co-accused Saurabh Kumar. There is no recovery of any incriminating articles from the physical or conscious possession of this petitioner. There is no evidence of any type either eye-witness or circumstantial against this petitioner. The murder weapon was recovered from the possession of co-accused Vishal Kumar @ Damru and in view of the confessional statement of co-accused Saurabh Kumar, he appears to be the main accused in this case. The petitioner is just an acquaintance of the accused persons and there is lack of motive and there was no reason to commit such type of heinous crime. Other co-accused persons, namely, Vishal Kumar and Ganesh Hari have been granted bail by different Co-ordinate Benches of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 53543 of 2023 and order dated 01.09.2023 passed in Cr. Misc. No. 58133 of 2023, respectively. The petitioner is in custody since 02.11.2022 and charge-sheet has been submitted.

5. Learned APP opposes the prayer for bail submitting that the petitioner was in contact with co-accused through their mobile phone.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-XV, Bhagalpur/concerned court in connection with Kotwali P.S. Case No. 1006 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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