

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71245 of 2022

Arising Out of PS. Case No.-501 Year-2019 Thana- KHAJEKALA District- Patna

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Sagar Yadav @ Sagar Kumar @ Vikash @ Thakur S/O Sunil Yadav @ Sunil Kumar Yadav R/O - Nirankar Bhawan, Morcha Road, Mathanital Road, P.S-Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since 03.12.2019 in connection with Khajekala P.S. Case No. 501 of 2019, F.I.R. dated 20.11.2019 for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the informant received information that his brother has been killed by some unknown miscreants at Khajekala Ghat and he went there and identified



the dead body of his brother namely, Rahul Jaiker @ Suraj Kumar.

Learned counsel for the petitioner submits that petitioner 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 confessional statement of the co-accused persons, namely, Vikki Patel @ Vikram and Dablu Kumar. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner and except the confessional statement of the co-accused persons, no cogent 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 persons, namely, Golu Chaudhary has been granted bail by the lower Court below vide order dated 10.12.2019 in B.P. No. 1054 of 2019, Avinash Kumar Chaubey has been granted bail by the lower Court below vide order dated 11.12.2019 in B.P. No. 1081 of 2019 and Vikram Prasad @ Vicky Patel has been granted bail by the lower Court below vide order dated 12.12.2019 in B.P. No. 1094 of 2019. The petitioner



is in custody since 03.12.2019.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 10 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 9 cases out of 10 cases.

Considering the aforesaid facts and circumstances and period of custody, 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 Sub Divisional Judicial Magistrate, Patna City, District- Patna in connection with Khajekala P.S. Case No. 501 of 2019, 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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