

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73125 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- KIUL District- Lakhisarai

MD. SAJJAD S/O MD. ANWAR Resident of village- Khagaur, P.O.- and
P.S.- Kiul District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kiul P.S.
Case No. 27 of 2022 dated 22.02.2022 registered for the offence
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The F.I.R. named accused persons including the
petitioners are alleged to have shot dead the father-in-law of the
informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R., however, his name
transpired in this case on the basis of suspicion during course of



investigation. He further submits that from bare perusal of the F.I.R. it appears that the specific allegation of firing is attributed to the co-accused, Ravikant Yadav, Chhot Kumar @ Manish and Manikant Yadav along with Jonshan. He further submits that the petitioner has not played any role in the alleged occurrence but mere on suspicion, he has been dragged in this case. Moreover, the co-accused, namely, Shiv Kumar has already been granted bail by this Court vide order dated 11.04.2023 passed in Cr. Misc. No. 74743 of 2022 another co-accused, namely, Sujit Kumar, who is also not named in the F.I.R. has been granted bail by a co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 52149 of 2022 and the case of this petitioner stands on similar footing. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No. 27 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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