

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72221 of 2022**

Arising Out of PS. Case No.-488 Year-2022 Thana- ARA NAGAR District- Bhojpur

SANGAM PRASOON JAIN S/o Late Prasoon Chandra Jain R/o mohalla-
Jail Road (Ara), P.S.- Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-06-2023 Heard learned counsel for the petitioners and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Ara Nagar
P.S. Case No. 488 of 2022 dated 02.06.2022 registered for the
offence under Sections 302, 120(B)/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The husband of the informant is alleged to have been
shot dead by the unidentified persons.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner happens to be
brother of the deceased and there is admitted land dispute
between them. He further submits that initially the petitioner
was not named in the F.I.R. but his name transpired in this case



during course of investigation on the basis of confessional statement of the co-accused Abhimanu Pandey and self confession of the petitioner. Save and except the confession of the co-accused and the petitioner, no cogent material has surfaced against him to suggest his involvement in the alleged occurrence. Moreover, the co-accused, namely, Md. Mahfuz @ Vickky has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.11.2022 passed in Cr. Misc. No. 47891 of 2022. 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 15.06.2022.

Learned counsel for the informant as well as learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

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 C.J.M., Bhojpur at Ara in connection with Ara Nagar P.S. Case No. 488 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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