

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74655 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- Dumariaghat District- East Champaran

SANOJ KUMAR S/O Motilal Sahani @ Moti Sahani R/O Village- Tikuliya,
P.S- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The Petitioner seeks bail, who is in custody since
24.05.2022 in connection with Dumariyaghat P.S. Case No. 232
of 2021, F.I.R. dated 20.11.2021 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code.

The informant alleged that he got information from
Media that a dead body was kept in the Sadar Hospital,
Motihari which was identified as body of his son. He further
suspect that his son has been kidnapped and murdered.

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 rather his name
transpired in this case on the basis of confessional statement of



the co-accused, Shila Devi. He further submits that except confessional statement of the co-accused, no cogent material suggesting the involvement of the petitioner in the present case has surfaced during course of investigation. Moreover, similarly situated co-accused, namely, Munnilal Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.01.2023 passed in Cr. Misc. No. 28210 of 2022 and another co-accused namely, Dinanath Sahani has been granted bail by this Court vide order dated 11.04.2023 passed in Cr. Misc. No. 64245 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 24.05.2022.

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, Motihari, East Champaran in connection with Dumariyagaht P.S. Case No. 232 of 2021, 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 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)

mdrashid/-

U		T	
---	--	---	--

