

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6896 of 2024

Arising Out of PS. Case No.-368 Year-2021 Thana- KATEYA District- Gopalganj

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Sujeet Yadav @ Sujeet Kumar Yadav S/o Lalbabu Yadav, Resident of Village-
Bhaugahi, Sohagpur, P.S.-Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-02-2024 Heard Mr. Adesh Raj, the learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, the learned Additional

Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since

15.10.2022, in connection with Kateya PS Case No. 368 of

2021, arising out of Session Trial No. 867 of 2023, FIR dated

12.10.2021, for the offences punishable under Sections 394, 302

and 34 of the Indian Penal Code.

3. Earlier the petitioner has been granted bail vide

order dated 25.07.2023, passed in Cr. Misc. No. 26308 of 2023,

but the criminal antecedents of the petitioner was not mentioned

properly, therefore, the bail bond of the petitioner was not

accepted by the learned Trial Court. Thereafter, the petitioner

moved to this Hon'ble Court for modification of the order dated

25.07.2023, which was rejected vide order dated 10.11.2023 passed in Cr. Misc. No. 74553 of 2023. Thereafter, the petitioner has again moved before this Hon'ble Court.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of confessional statement of the co-accused, namely, Amresh Giri @ Shaka Pandit. He further submits that as per FIR, the villagers saw the present occurrence but they have not disclosed the name of the accused persons including the petitioner and even the informant is not an eyewitness of the present occurrence. He further submits that no one has seen the present occurrence and except the confessional statement of the co-accuse and self-confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Amresh Giri @ Shaka Pandit has been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 26901 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner

and the petitioner is in custody since 15.10.2022.

5. Learned APP for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries seven criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances and the fact that similarly situated co-accused person, namely, Amresh Giri @ Shaka Pandit has been granted bail, 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 Additional District Judge-V, Gopalganj, in connection with **Kateya PS Case No. 368 of 2021**, subject to the following conditions:

(i). 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.

(ii). 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.

(iii). 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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