

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25820 of 2024

Arising Out of PS. Case No.-989 Year-2022 Thana- AGAMKUAN District- Patna

Sanjay Sah @ Bhondua @ Bailwa, age 32 years (Male), Son of Late Sri Nath Sah, Resident of Kurmi Tola, Mahrajganj, P.S. - Alamganj, District – Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nityanand Kumar, Advocate
For the Opposite Party : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 27-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Agamkuan P.S. Case No. 989 of 2022 dated 16.12.2022 registered for the offences punishable under Sections 302, 120B of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 16.12.2022 at about 3.00 A.M., in the morning, the brother of the informant, namely, Mukesh Kumar @ Sunny, left the home to bring sand from Khemnichak. At about 10.30 A.M., the informant received a telephonic message that his brother, namely, Mukesh Kumar, was lying down near Kumharar R.O.B. near the railway track. On this information, the informant reached there and saw that



some unknown persons shot his brother dead. Thereafter, the police took his brother to N.M.C.H., Patna, for postmortem.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has come in the present case on the basis of the confessional statement of the co-accused Anubhav Kumar @ Kanjhappa which has got no evidentiary value in the eye of law. No incriminating article has been recovered from the possession of the petitioner. No T.I. Parade has been held till date to ascertain the real culprit of the alleged offence. There is no specific allegation against the petitioner. The petitioner has seven criminal antecedents which are not related to the case of murder and in six cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 07.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned A.C.J.M.-IV,
Patna in connection with Agamkuan P.S. Case No. 989 of 2022
with further condition:-

(I) The petitioner is directed to remain
physically present before the learned court
below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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