

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27708 of 2024

Arising Out of PS. Case No.-167 Year-2020 Thana- AMAS District- Gaya

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Bodh Sagar son of Late Heera Ram R/o- Village- Pasewa Ps- Imamganj Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Jitendra Kumar Giri, learned counsel for the petitioner and Mr. Ganesh Prasad Singh, learned APP for the State.

2. Petitioner, who is in custody since 22.08.2020, seeks bail in connection with Amas PS Case No. 167 of 2020 (Sessions Trial No. 530 of 2022/137 of 2023) registered on 14.08.2020 for the offences punishable under Sections 394 and 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, some unknown miscreants intercepted the pickup van of the informant bearing registration no. BR02T 1357, while the informant and others were returning from different shops after performing business transaction. They were also having amounts of Rs. 5,88,000/- kept in the said van. While the informant and deceased Pankaj and Chandan Kumar



proceeded towards Imamganj, the unknown accused persons started making demand of money from them due to which a scuffle took place during course of which, the accused persons shot dead Pankaj Kumar and his brother Chandan Kumar and further took away some money and mobile phone kept in the said vehicle.

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 and he has not committed any offence as alleged in the FIR. Name of the petitioner has transpired only on the basis of confessional statement of co-accused person, namely, Amarjeet Kumar Thathera.

5. Earlier the prayer for bail of the petitioner was rejected by this Court *vide* order dated 28.02.2022 passed in Cr. Misc. No. 32976 of 2021.

6. *Vide* order dated 19.04.2024, a report regarding stage of the trial was called for, from Additional Sessions Judge, Sherghati, Gaya, which has been received *vide* letter no. 84/2024 dated 26.04.2024. Perusal of the said report reveals that out of seven charge-sheeted witnesses only one witness has been examined.



7. Learned counsel for the petitioner, referring the said report, submits that trial is not likely to be concluded in near future and the petitioner is in custody since 22.08.2020.

8. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the prayer for bail of the petitioner and submits that though the FIR is against three unknown persons but two murders have been committed in the said occurrence. However, he further submits fairly that the petitioner has got no criminal antecedent.

9. Considering the aforesaid facts and circumstances, the period of custody as well as the report of the trial court, the petitioner namely, Bodh Sagar is directed to 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 Sessions Judge- Sherghati, Gaya in connection with Amas PS Case No. 167 of 2020 (Sessions Trial No. 530 of 2022/137 of 2023), 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 tamper 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 petitioners. 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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