

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35916 of 2024

Arising Out of PS. Case No.-50 Year-2019 Thana- HULASGANJ District- Jehanabad

Sanjay Yadav son of Sawaroop Rai Village- Pojhi Ps- Dearini Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Nitya Nand Neeraj, learned counsel for the petitioner and Mr. Lalan Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hulasganj P.S. Case No. 50 of 2019, F.I.R. dated 30.03.2019 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

3. According to prosecution case, this informant gave information to the police about a dead body of a woman found in a dry well situated near Uttargarh in the village.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the



petitioner has been transpired during investigation through paragraph no. 17 of the case diary where the witnesses have stated the name of the petitioner. He further submits that in the entire case diary, no one is the eye witness of the alleged occurrence and except suspicion no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, he is not named in the F.I.R and except suspicion no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Jehanabad in connection with Hulasganj P.S. Case No. 50 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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