

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35885 of 2024

Arising Out of PS. Case No.-293 Year-2022 Thana- JAHANABAD District- Jehanabad

Snajay Singh @ Sanjay Kumar Sharma @ Sanjay Kumar S/o Late Ramesh Prasad Singh R/o vill - Nima, P.O. - Nadwan, P.S. - Dhanarua, Distt. - Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Adv. Mr. Sandeep Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

6 13-09-2024 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner seeks bail in connection with Jehanabad (Kanaudi O.P.) P.S. Case No. 293 of 2022 dated 26.04.2022 registered for the offence punishable under Sections 302, 120 /34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, four unknown miscreants came on two motorcycles and committed murder of the informant's father by opening fire.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is submitted that the F.I.R. has been lodged against four known accused persons. It is also submitted that petitioner is not named in the F.I.R.. and he has been made accused in this case only on the basis of confessional statement of co-accused Abhishek alias Chhote Sarkar and co-accused Nitish Kumar. It is submitted that during the investigation nothing has been found against the petitioner. Only on the basis of criminal antecedents of the petitioner, the petitioner has been made accused in this case. It is submitted that there is no eye witness to the said occurrence. It is further submitted that co-accused Nitish Kumar has been granted bail *vide* order dated 07.08.2023 passed in Criminal Miscellaneous No. 31643 of 2023 and Vikash Kumar @ Vikash Kumar Singh has been granted bail *vide* order dated 13.02.2024 passed in Criminal Miscellaneous No. 6197 of 2024 by different co-ordinate Benches of this Court. Lastly, it has been submitted that the petitioner is in custody since 11.03.2024, having twelve criminal cases against him out of which in four cases he has been acquitted while Dhanarua P.S. Case No. 36 of 2001



under Section 25(1-b) and 26 of the Arms Act has been wrongly mentioned in the case diary. Charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jehanabad in connection with Jehanabad P.S. Case No. 293 of 2022, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature



after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

5. The petitioner shall appear before the Police Station of his local area every fortnight to mark his attendance till conclusion of the trial.

(Khatim Reza, J)

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