

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40977 of 2024**

Arising Out of PS. Case No.-165 Year-2022 Thana- BHAWANIPUR District- Purnia

Sajan Kumar @Sajjan Kumar @ Sajan Kumar @ Sajan Kumar Sah Son Of  
Sri Soki Sah Village- Basanwara, P.S- Alamnagar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      23-08-2024                      Learned counsel for the petitioner is directed to  
correct the paragraph-35 of the bail petition in course of the day.

2. Heard Mr. Amit Kumar Anand, learned counsel for  
the petitioner and Mr. Jitendra Kumar Singh, learned APP for  
the State.

3. Petitioner seeks bail, who is in custody since  
24.08.2022, in connection with Sessions Trial No. 513 of 2022  
arising out of Bhawanipur (Balua) P.S. Case No. 165 of 2022,  
F.I.R. dated 08.07.2022 registered for the offences punishable  
under Sections 302, 201 and 34 of the Indian Penal Code.

4. Earlier the bail petition of the petitioner was  
rejected vide order dated 15.09.2023 passed in Cr. Misc. No.  
50890 of 2023.

5. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely 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 on the basis of the confessional statement of co-accused person namely Suraj Kumar and the said Suraj Kumar has been granted bail by this Court vide order dated 15.05.2023 in Cr. Misc. No. 64853 of 2022 and the petitioner is not related to the deceased.

6. Vide order dated 21.06.2024, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 20.07.2024 reveals that out of nine chargesheeted witnesses only one witness has been examined as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since 24.08.2022.

8. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner having clean



antecedent and the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused Suraj Kumar and the said co-accused Suraj Kumar has been granted bail by this Court as well as the report of the learned Trial Court and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Purnea in connection with Sessions Trial No. 513 of 2022 arising out of Bhawanipur (Balua) P.S. Case No. 165 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 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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