

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46029 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- NAUTAN District- West Champaran

Sandeep Kumar @ Sandeep Patel Son of Gopichand Patel @ Gopichandra Prasad R/O Vill.- Sansaraiya, P.S.- Bettiah Muffasil, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. Rakesh Kumar, learned counsel for the petitioner and Mr. Dinesh Singh, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 20.12.2023 in connection with Nautan P.S. Case No. 135 of 2023, F.I.R. dated 17.04.2023 for the offences punishable under Sections 307, 302, 120(B), 147 and 149 of the Indian Penal Code.

3. According to prosecution case, it is alleged that the petitioner along with other accused persons armed with weapons brutally assaulted the informant's son due to which he died in the hospital during treatment.

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 allegations as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and merely on the basis of suspicion, the petitioner has been implicated in the present case. And except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the other co-accused person namely, Mohan Prasad @ Mohan Patel has been granted anticipatory bail by this Court vide order dated 07.11.2023 passed in Cr. Misc. No. 71115 of 2023 and another accused person namely, Ambedkar Patel has been granted regular bail by this Court vide order dated 10.05.2024 passed in Cr. Misc. No. 21610 of 2024. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.12.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, nothing has come



during investigation which suggest the involvement of the petitioner in the present occurrence and other co-accused persons have been granted regular and anticipatory bail by this Court, let the petitioner, above named, 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, Bettiah, West Champaran in connection with Nautan P.S. Case No. 135 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 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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