

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43598 of 2024

Arising Out of PS. Case No.-207 Year-2022 Thana- NAUBATPUR District- Patna

Sanjay Singh @ Sanjay Kumar Sharma @ Sanjay Kumar, Male, aged about 52 years, son of late Ramesh Prasad Singh @ Ramesh Singh, resident of village- Nima, P.O.- Nadwan, P.S.- Dhanarua, Dist.- Patna (Bihar)
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Naubatpur PS Case No.207 of 2022 dated 11.04.2022, instituted for the offence punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence, the informant's son had left the house with one co-accused, namely, Rahul. It is alleged that after three hours, the informant got information that somebody had killed her son and when she went to place of occurrence she found the dead body of the deceased.

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 petitioner is not named in the FIR. Only on the basis of confessional statement of co-accused Chotu @ Abhishek and Vikash Kumar, the petitioner has been made accused in this case. It is submitted that there is no eye witness to the alleged occurrence. There is no cogent material to connect the petitioner with the crime. It is also submitted that similarly situated co-accused, Rajnish Kumar and Vikash Kumar @ Bikash Kumar have been granted bail by this Court as well by a co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Cr. Misc. No.55581 of 2023 and order dated 17.02.2024 passed in Cr. Misc. No.5646 of 2024 respectively. The petitioner is in custody since 14.03.2024 and eight criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

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 Additional Chief Judicial Magistrate-III, Danapur, in Naubatpur PS Case No.207 of 2022, subject to the conditions (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, and (iv) that 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.

(Khatim Reza, J)

J. Alam/-

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