

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27851 of 2016

Arising Out of PS.Case No. -859 Year- 2014 Thana -BIHTA District- PATNA

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1. Anant Singh @ Anant Kumar Singh Son of Late Chandradeep Singh
Resident of Village- Nadawan, P.S.- Barh, District- Patna. at present 1 Mal
Road, P.S.- Sachivalaya, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nabin Kumar

For the Opposite Party/s : Mr. Mayanand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 10-08-2016 Counter affidavit is filed on behalf of the informant.

Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel,
appearing for the informant.

Earlier prayer for bail of the petitioner was rejected
by this court vide order dated 18-01-2016 passed in Cr. Misc. No.
42513 of 2015 & analogous case, particularly, taking note of
criminal antecedent of the petitioner but submission on behalf of
the petitioner is that the petitioner was made accused in 21 cases
and except the present and one another case, the petitioner has
already been granted privilege of bail in almost all the cases by the
concerned courts. It is also pointed out by him that even after
passing of the order dated 18-01-2016 in Cr. Misc. No. 42513 of



2015 and analogous case, two benches of this court granted bail to the petitioner, even taking note of criminal antecedent of the petitioner. It is further submitted that the petitioner is in jail custody since 24-06-2015 but uptill now, his trial could not be completed and as per his information, the matter is pending for hearing on the point of cognizance. It is further submitted that the petitioner has been put behind the bar at the behest of one strong local politician, who openly in a public meeting, made announcement that at his behest, the action against the petitioner is being taken.

On the other hand, learned counsel, appearing for the informant, vehemently, opposed the prayer pointing out that the petitioner is a hardened criminal and he is giving threat of dire consequences to the prosecution witnesses and, therefore, if the petitioner is released on bail, the fair trial of the case is not possible.

Learned Additional Public Prosecutor, appearing for the State, too, opposed the prayer submitting that a bench of this court rejected the bail petition of the petitioner in connection with Beur P.S. Case No. 55 of 2009 vide order dated 22-02-2016 passed in Cr. Misc. No. 55500 of 2015.

It is an admitted position that petitioner is



languishing in jail custody for more than one year but uptill now, prosecution could not be able to produce even a single witness before the trial court. No doubt, the petitioner has near about 21 cases in his credit but now, in all the cases except the present one and one another, the petitioner has already been granted privilege of bail. So far as present case is concerned; initially, the case was lodged under Sections-363, 365/34 of the Indian Penal Code on 14-11-2014 but after near about 6 months of the occurrence, Section-364/34 of the Indian Penal Code was added on 25-06-2015 when the statement of victim was recorded u/S 164 of the Cr.P.C.

It is well settled principle of law that at pre-conviction stage, the presumption of innocence goes in favour of the accused and it is also an established procedure of the law that no person can be detained in judicial custody for an indefinite period without any substantive progress in the trial.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of this fact that the petitioner is in jail custody since long, I think it proper to release the petitioner on bail.

Accordingly, let the petitioner named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten

thousand) with two sureties of the like amount each in connection with Bihta P.S. Case No. 859 of 2014 to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna subject to condition that any attempt to terrorize the prosecution witnesses or to tamper with the prosecution evidence by or on behalf of the petitioner, shall give liberty to the concerned court to cancel the bail bonds of the petitioner by sound reasoning after due and proper inquiry.

A.K.V./-

(Hemant Kumar Srivastava, J)

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