

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32736 of 2016

Arising Out of PS.Case No. -60 Year- 2015 Thana -BHADAUR 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 Sachivalya, District Patna..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. P. K. Shahi, Sr. Advocate
Mr. Nabin Kumar, Advocate
For the Opposite Party/s : Mr. AAG 9
Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 24-08-2016 Heard learned Sr. Counsel for the petitioner and learned
AAG 9 for the State.

The petitioner wants to renew his prayer of bail, which was earlier rejected vide order dated 14.03.2016 passed in Cr. Misc. No. 2072 of 2016, on the ground that the petitioner is in custody since 08.12.2015 but up-till-now there is no progress in the case and cognizance has also not been taken. The petitioner has already been granted bail in all the cases except this case and one more case which is under Section 380 IPC. Recently the petitioner has been granted bail in Bihta P.S. Case No. 859 of 2014 also by another co-ordinate Bench of this Court, which was earlier rejected by that Court, on the ground that during 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. 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. It is submitted further that the family members of the deceased Jawahar Singh have stated regarding the innocence of the petitioner which is evident from paragraph 84 and 100 of the case diary and the same is mentioned in the impugned order also. At the time of occurrence the petitioner was in jail custody in Bhagalpur Central Jail and there is no legal and tangible material against him and as such he deserves sympathetic consideration.

Learned AAG 9 opposes the prayer of bail by submitting that no fresh ground has been taken for reconsideration of prayer of bail and further the prosecution will take positive step to conclude the trial within six months. It is also submitted that the petitioner has got criminal antecedent but he does not controvert the submission of learned counsel for the petitioner that the petitioner has already been granted bail in almost all the cases except this case and one more case which is under Section 380 IPC. It is further submitted that the family members of the deceased have stated regarding innocence of the petitioner due to fear of the petitioner and it is an attempt to tamper with the prosecution evidence.

In the facts and circumstances stated above, considering the submissions of the parties and the fact that the petitioner is in custody since long and in near future the trial is not likely to be

concluded as the case is still pending for taking cognizance, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Barh (Patna) in connection with Bhadaur P.S. Case No. 60 of 2015, 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, that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)

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