

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44453 of 2017

Arising Out of PS.Case No. -93 Year- 2013 Thana -MAJHAHGARH District- GOPALGANJ

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1. Ashok Rai @ Sukhi Singh @ Sukki Singh @ Sukkhi Singh Son of Moh
Narain Rai @ Mohan Narayan Rai, Resident of Village-Chhidki, Police
Station-Sherpur, District-Sigrail (punjab).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
06.08.2013 in connection with Manjhagarh P.S. Case No. 93 of
2013 for offences punishable under Sections 395 and 328 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that being the truck driver, he has loaded his truck with oil and
was on the road, then 10-15 miscreants stopped his truck and
assaulted him, took away the truck loaded with oil and Rs.
40,000/- with mobile set.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and just because he has a criminal antecedent and on the basis of confessional statement of co-accused, before the police which has no evidentiary value in the eye of law, he has been made accused in the present case. He submits that co-accused have been granted the privilege of bail by co-ordinate Benches of this Court is Criminal Miscellaneous No. 1719 of 2014, Criminal Miscellaneous No. 6555 of 2014 as well as Criminal Miscellaneous No. 18348 of 2014 and the petitioner is languishing in judicial custody for more than four years.

However, learned APP for the State opposes the prayer for bail.

In this connection a report was called for from the court of Sessions Judge, Gopalganj who has submitted his report regarding stage of trial vide letter no. 791 dated 13.10.2017 stating therein that charge-sheet has been submitted and cognizance has been taken against the petitioner and the matter is pending for appearance of rest of the accused persons.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, named above, be enlarged on bail on furnishing bail



bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj, in connection with Manjhagarh P.S. Case No. 93 of 2013 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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