

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12607 of 2019

Arising Out of PS. Case No.-197 Year-2018 Thana- AIRPORT District- Patna

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AJIT KUMAR @ MUKESH KUMAR @ Mukesh Son of Kali Charan Ram
Resident of Village - Murli Chak, Jagdeo Path, P.S.- Hawai Adda, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Farooque Afzal

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
29.08.2018 in connection with Special Case No. 93 of 2018,
arising out of Hawai Adda P.S. Case No. 197 of 2018 for
offences punishable under Section 414 of the Indian Penal Code
and Section 27 of the NDPS Act.

The prosecution case, as lodged by the police
personnel, is that petitioner was apprehended unauthorisedly
scaling the perimeter wall of the watch tower, which was a high
security zone. On search, 1 gm of ganja and some coins were
recovered, which he revealed that while running he has scaled
the perimeter wall of watch tower. Accordingly, a seizure-list



was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that just because he has a criminal antecedent he has been made accused and languishing in judicial custody for more than six months. He further submits that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and four more cases are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 Addl. District & Sessions Judge-VII, Patna, in connection with Special Case No. 93 of 2018, arising out of Hawai Adda P.S. Case No. 197 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

2. 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.
3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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