

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8092 of 2020

Arising Out of PS. Case No.-141 Year-2018 Thana- RAJIVNAGAR District- Patna

MD. MINHAJ Son of Late Md. Taib @ Md. Taiyab Resident of Mohalla-
Sakur Colony, Raja Bazar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 30-06-2020 Heard learned counsel Sri Saket Anand appearing for
the petitioner as well as Sri Nityanand learned Additional Public
Prosecutor for the State through video conferencing.

Earlier, the bail prayer of the petitioner was twice
rejected by a Co-ordinate Bench of this Court and while
rejecting the bail prayer of the petitioner vide order dated
17.07.2019 vide Cr. Misc. No.32350 of 2019, this Court
directed the trial court to expedite the trial and try to conduct it
on regular basis, so that it may be concluded as soon as possible.
However, the learned trial court has reported that up-till-now the
case of the petitioner could not be committed to the court of
Sessions.

Learned counsel appearing for the petitioner submits
that according to prosecution case itself, the victim was



recovered from harding park which is a public place and allegedly, petitioner and two others were caught from there, but as a matter of fact, the petitioner was arrested in connection with Kotwali P.S. Case No.301/2018 which was registered on 16.05.2018 for Excise Act as well as for arms act and petitioner was remanded in the present case from Kotwali P.S. Case No.301/2018 which is evident from para-54 of the case diary. It is further submitted that admittedly the present case was registered on 15.05.2018 and the petitioner was subsequently arrested in Kotwali P.S. Case No.301/2018 and, therefore, the question of arrest of the petitioner from harding park does not arise.

On the other hand, learned Additional Public Prosecutor submits that the victim identified the petitioner and two others when he was recovered by the police.

Considering the facts and circumstances of the case as well as submissions of the parties and also taking note of this fact that petitioner is in jail custody since 15.05.2018 without having any criminal antecedent except Kotwali P.S. Case No.301/2018, which was lodged after registration of the present case, and also taking note of this fact that in spite of direction of this Court, the case of the petitioner could not be committed to



the court of Sessions, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IIIrd, Patna in connection with Rajeev Nagar P.S. Case No.141 of 2018.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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