

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37206 of 2020**

Arising Out of PS. Case No.-297 Year-2019 Thana- BYPASS District- Patna

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Ajay Kumar @ Jai Ram, Son of Krishna Mahto, Resident of Village -
Begampur Emlitar, P.S. - Bypass, District - Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Aslam Ansari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bypass P.S. Case No. 297 of 2019 registered
for the offence punishable under Sections 302/201/34 of the
Indian Penal Code. He is in custody since 22.11.2019.

As per the prosecution story, on 14.11.2019 the son of
the informant namely, Sonu Kumar went outside from his house
saying that he was going to Rainbow Hospital Trauma Centre,
Dhanki More but he did not return and on search he was not



traced out.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. In course of reinstatement the informant alleged that her son had some quarrel with co-accused Bobby @ Baghwa who used to take toddy from the tree of the informant. It was alleged that Bobby @ Baghwa along with his associates had beaten him and for that reason son of the informant was abducted and killed.

Learned counsel further submits that there is no allegation that this petitioner had participated in any quarrel with the son of the informant, in Police custody the confessional statement of the petitioner as well as the co-accused Bobby @ Baghwa was extracted by Police. It is alleged that the petitioner and said Bobby @ Baghwa had murdered the son of the informant whereas the other co-accused had participated in the alleged occurrence but considering that except confessional statement there is no other material against the petitioner and he has remained in custody for one year and eight months, investigation against him is complete but the trial is not likely to take place in near future, the petitioner deserves privilege of bail. It is further informed that co-accused Bobby @ Baghwa had been granted bail by a learned co-ordinate Bench of this



Court in Cr. Misc. No. 20580 of 2020.

On the other hand, Mr. Md. Aslam Ansari, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. According to him this petitioner had also participated in the alleged occurrence.

Considering the facts and circumstances of this case wherein this petitioner is not named in the F.I.R. and he has been brought within the purview of the investigation as an associate of co-accused Bobby @ Baghwa who has already been granted bail by a learned co-ordinate Bench of this Court, the petitioner has no criminal antecedent as stated in paragraph '3' of the petition and has remained in custody since 22.11.2019, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Patna City in connection with Bypass P.S. Case No. 297 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

