

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64899 of 2021

Arising Out of PS. Case No.-462 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Aman Ojha, Son of Late Umesh Ojha, Resident of Village - Madhukar
Chhapra, P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-12-2021 Heard Mr. Sanjay Kumar, learned counsel for the
petitioner and Md. Matloob Rab, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain
bail in connection with Motipur P.S. Case No. 462 of 2019
registered for the offences under Sections 399/402 of the Indian
Penal Code and 25(1-b)a/26/35 of the Arms Act.

Learned counsel for the petitioner submits that earlier
while rejecting the prayer for bail of the petitioner vide order
dated 21.08.2020 passed in Cr. Misc. No. 17798/2020, this
Court has taken note of the fact that the co-accused who was
also arrested with the petitioner in connection with this case has
been granted regular bail by a learned coordinate Bench of this
Court in Cr. Misc. No. 18320/2020, but considering that the
name of the petitioner has transpired in connection with some
more cases involving him in looting of banks and non-banking



financial companies as also recovery of one 7.65 m.m. pistol and five live cartridges, this court refused to release the petitioner on bail with a direction that the trial be expedited.

Learned counsel submits that in fact the petitioner has got four criminal antecedents and in three of them he has been granted bail. In the present case, petitioner is in custody since 09.11.2019, but till date police papers have not been supplied to the petitioner and he has been shifted from Muzaffarpur to Jehanabad Jail. Under these circumstances, there is no likelihood of conclusion of trial in this case in near future. It is, thus, his submission that considering that in the present case the petitioner was arrested on mere suspicion of planning to commit a loot in the Sonata Finance Company, but in fact the petitioner was arrested from outside the premises of the finance company, this petitioner, having remained in custody for more than two years, be released on bail.

On the other hand, Md. Matloob Rab, learned A.P.P. for the State submits that the prayer for bail of the petitioner was earlier rejected and thereafter due to Covid-19 pandemic situation the records could not progress, hence a reasonable time be given to conclude the trial.

Having regard to the discussions made hereinabove



and the materials placed before this Court, this Court is of the considered opinion that the prosecution must take all endeavours to conclude the trial preferably within a period of six months from the date of communication of this order, failing which it will be taken as failure on the part of the prosecution in expediting the trial and following the principles of criminal jurisprudence that the accused cannot be kept in incarceration for an indefinite period by way of punishment, this Court directs that on failure of the prosecution to conclude the trial within the aforesaid period and for no reason attributable to the petitioner if the trial is not concluded within the aforesaid period, he will be released 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 S.D.J.M. (West), Muzaffarpur in connection with Motipur P.S. Case No. 462 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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'.

