

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13760 of 2022

Arising Out of PS. Case No.-364 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

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AJAY KUMAR @ AJAY PODDAR @ BASAIYA @ BASIYA PODDAR,
S/O DINESH PODDAR R/o village- Harpur, P.S.- Barauni, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

Mr. Amit Kumar Mishra

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 148 of 2021, Begusarai Nagar P.S. Case

No. 364 of 2018, registered for the offences punishable

under Sections 302/34 of the Indian Penal Code and Section

27 of the Arms Act.



Prosecution story in brief is that the informant's son along with one co-villager, namely, Ajay Kumar had gone to see a bride for his brother. When they were returning to their home and reached near Machharhatta in Begusarai, one unknown person came and fired upon them, which hit the informant's son, causing injury on his head. Thereafter, he was taken to the hospital, but he succumbed to the injury.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that he is not named in the FIR and his name has emerged during the course of investigation on the basis of his confessional statement before the police, which has no legal sanctity. He further submits that some of the co-accused persons of this case have already been enlarged on bail by different Benches of this Court, vide order dated 16.05.2019, 04.11.2019, 18.12.2019 and 08.12.2021, passed in Cr. Misc. No. 32573 of 2019, Cr. Misc. No. 50780 of 2019, Cr. Misc. No. 57143 of 2019 and Cr. Misc. No. 37145 of 2021.



The learned counsel for the petitioner further informs this Court that the petitioner has earlier preferred an application for bail vide Cr. Misc. No. 20541 of 2020, which was rejected by a Bench of this Court on 09.02.2021, with an observation that in case the trial is not concluded within a period of nine months, the petitioner will be at liberty to renew his prayer for bail. He further submits that since more than 11 months have already passed from the date of passing of the order, but the trial is not concluded and even charge has not been framed.

The petitioner is languishing in jail since 24.08.2018.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in four other criminal cases, namely,

1. Barauni (Refinery) P.S. Case No. 13 of 2018
2. Muffasil P.S Case No. 442 of 2018
3. Begusarai Rail P.S. Case No. 28 of 2011
4. Barauni Rail P.S. Case No. 122 of 2008

However, the learned APP for the State opposes



the prayer for bail.

Considering the aforesaid facts, and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Session Judge- XIV Begusarai in connection with Sessions Trial No. 148 of 2021, Nagar P.S. Case No. 364 of 2018, **after framing of charge**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner informs this Court that other co-accused persons, who have already been enlarged on bail, are not cooperating with the prosecution in framing of charge. In case the co-accused, who have been enlarged on bail and against whom charge-sheet have been submitted, would not attend the Court, their bail bonds shall be cancelled.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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