

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21426 of 2022**

Arising Out of PS. Case No.-261 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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AJIT KUMAR SAH @ AJIT KUMAR SHA @ AJIT SAH SON OF
MAHESH SAH R/O VILLAGE- FUHARI, P.S.- RAHIKA, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 420, 379, 341, 323, 506/34 of the Indian
Penal Code and Sections 66(D) of the I.T. Act.

According to the prosecution, money of the informant
has been fraudulently withdrawn from the A.T.M. by the
petitioner and others.

Learned counsel for the petitioner submits that earlier
the prayer for bail of the petitioner has been rejected vide order
dated 09.11.2020 passed in Cr. Misc. No. 10575 of 2020 with an
observation and direction to the trial court to expedite the trial
and conclude the same within a period of nine months from the
date of this order but the trial has not got the substantial
progress, therefore, the petitioner has renewed his prayer for bail
but the same has been permitted to be withdrawn vide order



dated 13.01.2022 passed in Cr. Misc. No. 54132 of 2021 soon thereafter the petitioner has again approached this Court renewing his prayer for bail.

He further submits that since there was a direction of the Court to conclude the trial within nine months, while considering the prayer for bail of this petitioner, this Court has been pleased to call for a report regarding the stage of the trial. Accordingly, the report received from the court below reveals that charge has been framed on 29.03.2022 and only one charge-sheet witness has been examined as yet. It further reveals that the original L.C.R. record has been sent to the Court of Additional Session Judge-V, in reference to Cri. Revision No. 67 of 2020. On the basis of the report as aforesaid, he further submits that the trial of the case is not likely to be concluded in near future. He further submits that the petitioner is rotting in judicial custody since 27.08.2019 i.e. more than three years. Hence, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner be released 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 Court below where the case is pending in connection with Madhubani Town P.S. Case No. 261 of 2019 (C.R.I. No. 1337 of 2019) corresponding to T.R. No. 2451 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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