

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32939 of 2021

Arising Out of PS. Case No.-37 Year-2019 Thana- KASMA District- Aurangabad

1. MD. ISHRAR S/O Md. Sagir Resident of Village - Pokhraham, P.S. - Kasma, District - Aurangabad.
2. MD. BASIR S/O Md. Sadique Resident of Village - Pokhraham, P.S. - Kasma, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv.
Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2022 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with S.T. No. 465 of 2019/279 of 2019 arising out of Kasma P.S. Case No. 37 of 2019 registered for the offence under Sections 341, 323, 147, 148, 149, 307 and 302 of the Indian Penal Code.

In the garb of earlier dispute, the husband of the informant is subjected to indiscriminate assault by twelve accused persons by way of various deadly weapons as result of which, he sustained injuries. On the rescue being made by the other persons, they are said to have been assaulted also



by the accused persons.

Learned counsel for the petitioners submits that earlier the prayer for bail of these petitioners has been rejected by a co-ordinate Bench of this Court vide order dated 04.06.2020 passed in Cr. Misc. No. 82133 of 2019 with an observation that the petitioners may renew their prayer for bail after nine months from the date of the order. Accordingly, the petitioners are before this Court renewing their prayer for bail.

A report with regard to present stage of the trial has been called for by this Court vide order dated 29.11.2021 which has been received and forms part of this application at Flag-B. On perusal thereof, it would reveal that all charge-sheet named non-official witnesses have been examined and the case is pending for examination of official witnesses whose names have not been cited in the charge-sheet for which summons have been issued on 29.09.2021.

Learned counsel appearing for the petitioners referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future. Hence, the petitioners may be enlarged on bail as they have been languishing in judicial custody since 20.07.2019 i.e. almost



two and half years.

Learned counsel for the informant as well as A.P.P. for the State have, vehemently, opposed the prayer for bail of the petitioners and submit that a direction may be issued to the learned trial court to expedite the trial and try to conclude it.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Aurangabad in connection with S.T. No. 465 of 2019/279 of 2019 arising out of Kasma P.S. Case No. 37 of 2019 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their 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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