

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32864 of 2021

Arising Out of PS. Case No.-674 Year-2019 Thana- KANTI District- Muzaffarpur

RAJA SAH Son of Sri Ram Vinod Sah Resident of Village - Berai, P.S.-
Hathauri, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 20-04-2022 The applicant/accused in Crime No.674 of 2019
(Sessions Trial No.156 of 2020) registered with Police Station-
Kanti, for the offences punishable under Sections 363, 365, 379
of the Indian Penal Code and subsequently added Sections 392,
394, 411, 302, 201 and 120B of the Indian Penal Code by this
application, is seeking his release on bail during the pendency of
the trial. His earlier bail application was rejected with a liberty
to renew the prayer after a period of six months if the trial is not
concluded.

The learned counsel for the applicant drew my attention
to the Supplementary Affidavit stating therein that there is no
progress in the trial. It is further argued that except confessional
statement of co-accused Amrendra Kumar, who is already
released on bail by the coordinate Bench of this Court, there is



no iota of evidence against the applicant.

The learned A.P.P. submits that confession of co-accused Amrendra Kumar shows complicity of the present applicant in the subject crime.

I have considered the submissions so advanced and also perused the case diary.

It is alleged by the prosecution that the accused persons had booked the pickup van belonging to the first informant and took it on hire on 04.09.2019. They killed the driver and had taken away that pickup van. Dead body of driver Santosh Kumar was ultimately found on 07.09.2019 in the canal.

First informant Rakesh Kumar had reported that an unknown person had booked his pickup van on 04.09.2019 by payment of hire charges. He was having mobile phone number of the person who had booked that pickup van. During investigation, it was found to be belonging to one Priya Shekhar. Statement of Priya Shekhar was not pointed out to this Court and the learned counsel for the applicant submitted that no such statement was ever recorded. The applicant was not subjected to the Test Identification Parade.

The learned A.P.P. has fairly accepted the fact that except confessional statement of the co-accused Amrendra Kumar,



there is nothing to implicate the applicant in the subject crime.

In this view of the matter, as there is no progress in the trial and as co-accused Amrendra Kumar on whose confessional statement the present applicant has been roped in the subject crime has already been released on bail by the coordinate Bench of this Court, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.674 of 2019 (Sessions Trial No.156 of 2020) registered with Police Station-Kanti, for the offences punishable under Sections 363, 365, 379 of the Indian Penal Code and subsequently added Sections 392, 394, 411, 302, 201 and 120B of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) and on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in



expeditious disposal of the trial against him.

(III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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