

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36683 of 2021

Arising Out of PS. Case No.-38 Year-2012 Thana- KATRA District- Muzaffarpur

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Ashok Das @ Ashok Chaupal Son of Mr. Ramdev Das Resident of Village-
Changal, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the State : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 302, 376, 34.

As per prosecution case, in brief, is that this is a

case of rape and murder of deceased Asmin Khatoon aged 18

years on 23.03.2012.

Learned counsel for the petitioner submits that the

petitioner has clean antecedents and he has been falsely

implicated in the present case. Further submits that the

informant is not an eye witness of the alleged occurrence.



Further submits that similarly situated co-accused namely Binod Kumar has been granted bail on 30.10.2018 in Cr. Misc. No. 20492 of 2018 by a Coordinate Bench of this Hon'ble Court and accused namely Aanarjeet Das has been granted bail vide order dated 21.06.2018 in Cr. Misc. No. 18980 of 2018. Further submits that police after investigation submitted chargesheet against the petitioner.

Vide order dated 23.02.22, a report was called for with regard to the present stage of the trial. The report reveals that charge was framed against the petitionenr on 15.03.2021 and report also reveals that out of thirty chargesheet witnesses, prosecution did not produce any witness till date. Learned counsel for the petitioner submits that it appears from the report that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 18.12.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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



Sessions Trial No. 405 of 2017 arising out of Katra P.S. Case No. 38 of 2012, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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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