

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38164 of 2021

Arising Out of PS. Case No.-563 Year-2020 Thana- ARA NAGAR District- Bhojpur

AJIT SINGH Son of Bachaji Singh Resident of Village - Garhtha Khurd, P.S.-
Bramhpur, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-03-2022 Heard learned counsel for the petitioner and the

learned counsel for the informant as well as learned A.P.P. for the

State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 120(B)/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The husband of the informant is said to have been
killed by the F.I.R. named accused persons.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case only on the basis of
suspicion. He further submits that the petitioner has not been
named in the F.I.R. He also submits that there is no eye witness to
the alleged occurrence. He further submits that the co-accused,



Raushan Mahto @ Roshan Mahto has already been granted bail by this Court vide order dated 10.03.2022 passed in Cr. Misc. No. 46540 of 2021. The petitioner is rotting in judicial custody since 19.02.2021.

On the other hand, learned counsel for the informant along with learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that there is no material against the petitioner in the case diary. He however submits that though no cogent material has come against the petitioner in the case diary but there is sufficient material against the petitioner in the C.D.R. suggesting his involvement in the alleged occurrence. He further submits that the conversation between the petitioner and the F.I.R. named accused Birottam Narayan Singh is available in the C.D.R. but the same is not on record. He further submits that charges have not been framed in this case as yet.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, 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 Ara Town P.S. Case No. 563 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)

brajesh/-

U		T	
---	--	---	--

