

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51248 of 2021

Arising Out of PS. Case No.-923 Year-2018 Thana- NAGAR District- Vaishali

Md. Arshad Alam S/O Md. Izhar Alam @ Majnu R/O Village-Bag Dulhan,
P.S-Nagar Hajipur, District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-02-2022 Heard learned counsel for the petitioner and Shri
Harendra Prasad, learned A.P.P. for the State.

Learned counsel for the petitioner submits that this is the second attempt of the petitioner seeking bail in connection with Hajipur Town P.S. Case No. 923 of 2018 instituted for the offences under Section 414 of the Indian Penal Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act. Earlier the bail was rejected vide order dated 27.05.2020 in Cr. Misc. No. 50895 of 2019.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.12.2018. Learned counsel on the earlier occasion had submitted that no witness in the trial has been examined as such vide order dated 07.02.2022, a report was called for from the court of learned Additional Sessions



Judge-I-cum-Spl. Judge, Vaishali at Hajipur.

In compliance of the order dated 07.02.2022, a report contained in Letter No. 41 of 2022 dated 14.02.2022 has been received and from perusal of the same it transpires that till date not a single witness has been examined despite summons and warrants being issued against the witnesses. After perusing the report furnished by the learned court below, it appears that the Superintendent of Police, Vaishali at Hajipur is not interested in pursuing the case as despite summons and warrants being issued by the learned court below, no steps have been taken to produce the witnesses, the S.P., Vaishali at Hajipur is directed to ensure that the witnesses are produced, failing which it would be presumed that the S.P., Vaishali at Hajipur is trying to help the accused persons.

Learned counsel for the petitioner submits that the similarly situated co-accused Krishna Mohan Kumar @ Rudal Rai has been granted bail vide order dated 29.06.2021 in Cr. Misc. No. 6791 of 2021 on the ground that no prosecution witness has been examined.

Learned A.P.P. for the State is not in a position to defend the opposite party for the reason that despite summons and warrants being issued by the learned court below, no



witness till date has appeared for examination in the trial.

Considering the fact that the petitioner is in custody since 28.12.2018 and the similarly situated co-accused has been granted bail on the ground of delay, 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 Additional Sessions Judge-I-cum-Spl. Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 923 of 2018 with a condition that one of the bailors shall be the father of the petitioner (Md. Izhar Alam @ Majnu).

(Satyavrat Verma, J)

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