

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48146 of 2021

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

MD MAZID S/o- MD SALIM Resident of Village- Pokhrah, Police Station-
Kasma, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49555 of 2021

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

MD. RASHID Son of Late Md. Maksud Resident of Village- Pokhrah, P.S.-
Kasma, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51493 of 2021

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

MD. JAVED @ MD. JAWID S/O MD. SALIM R/o village- Pokhrah, P.S.-
Kasma, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52818 of 2021

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

MD. SHAHID Son of Md. Salim Resident of Village- Pokhrah, P.S.- Kasma,
District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52895 of 2021

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

Md. Asgar Son Of Md. Kalim R/O Pokhrah, P.S.- Kasma, Dist.- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48146 of 2021)

For the Petitioner/s : Mr.Kamlendra Pd. Singh, Adv

For the Opposite Party/s : Mr.Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 49555 of 2021)

For the Petitioner/s : Mr.Kamlendra Pd. Singh, Adv

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 51493 of 2021)

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Adv

For the Opposite Party/s : Mr.Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 52818 of 2021)

For the Petitioner/s : Mr.Kamlendra Pd. Singh, Adv

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 52895 of 2021)

For the Petitioner/s : Mr.Rama Kant Sharma, Sr.Adv.

: Mr.Rajesh Kumar, Adv

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-01-2022 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 in these applications.

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 appearing for the petitioners submits that earlier the prayer for bail of these petitioners has been rejected by a Coordinate Bench of this Hon'ble Court vide order dated 04.06.2020 in Cr. Misc. No. 82133 of 2019 and Cr. Misc. No.79402 of 2019 with an observation that the petitioners may renew their prayer for bail after nine months from the date of orders. Accordingly, the petitioners are before this Court renewing their prayer for bail.

A report with regard to the present status of the trial has been called for by this Court vide order dated 29.11.2021 in Cr. Misc. No. 32939 of 2021, it would reveal that all chargesheet 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 chargesheet for which summons have already been issued on 29.09.2021.

Learned counsel appearing for the petitioners submits



that it appeared 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 in custody since 10.06.2019 except petitioner-Md. Javed @ Md. Jawid who is in custody since 15.06.2019.

Learned counsel for the informant as well as learned 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)

Nitesh/-

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