

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2198 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- MARANCHI District- Patna

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Bhajo Singh @ Ajay Singh Son Of Basant Singh R/O Village- Maranchi,
Sonua Tola, P.S.- Maranchi, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 6697 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- MARANCHI District- Patna

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Ankit Kumar Son of Ashok Kumar Pandey R/V- Maranchi, P.S- Maranchi,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 2198 of 2023)

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

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

(In CRIMINAL MISCELLANEOUS No. 6697 of 2023)

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail who are in custody since



22.06.2022 in connection with Sessions Trial No. 1358 of 2022 arising out of Maranchi P.S. Case No. 94 of 2022, F.I.R. dated 19.06.2022 for the offences punishable under Sections 302, 120B /34 of the Indian Penal Code.

According to prosecution case, these petitioners along with two other persons have killed the cousin brother of the informant and have thrown his dead body and fled away.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence and from perusal of the F.I.R. it transpire that there is no allegation of assault or overt act attributed against these petitioners. He further submits that it has come during investigation in paragraph no. 56 of the case diary in which the statement of the mother of the deceased was recorded and she has categorically stated that one Badal Kumar might have killed the cousin brother of the informant. He further submits that except the aforesaid, no cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 22.06.2022.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Vide order dated 01.05.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court reveals that the charge has been framed against these petitioners on 09.11.2022 itself, but the prosecution has not examined any witnesses as yet.

Learned counsel for the petitioners submits that in view of the report of the learned Trial Court it appears that the trial is not likely to be concluded in the near future.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Additional Sessions Judge-1st Barh, District- Patna in connection with Sessions Trial No. 1358 of 2022 arising out of Maranchi P.S. Case No. 94 of 2022, subject to 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 cancelled by the Court below.

2. If the petitioners tampers with the
evidence or the witnesses, 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
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 petitioners. 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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