

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10054 of 2023**

Arising Out of PS. Case No.-271 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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ANKESH KUMAR @ MICHAL @ MAIKAL S/O BHUSHAN KUMAR
RAJAK @ JAWAHAR RAJAK Resident of village- Simri, P.S.- Vidyapti
Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Veer, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 29-03-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

The present petition is by way of third attempt at the
behest of the petitioner for grant of bail in connection with
Gopalganj P.S. Case No. 271 of 2018, registered under Sections
395/ 397 of the Indian Penal Code, inasmuch as all the earlier
petitions filed by the petitioner for grant of regular bail have
stood rejected.

The allegation is regarding unknown miscreants
having arrived at the house of the informant, whereafter they
had tied the informant and his family members with ropes and
then, had looted jewellery, cash amount, licensed revolver,
cartridges etc. whereafter they had fled away.

The learned counsel for the petitioner has submitted



that the petitioner is languishing in custody since 30.09.2019 and there is no progress, whatsoever, in the connected case, pending before the Ld. Trial Court, hence, the petitioner be granted the privilege of bail. It is also submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that the confessional statement of the petitioner has led to recovery of the stolen articles like jewellery etc. and moreover, the petitioner is having a bad antecedent, hence, the petitioner be not granted the privilege of bail.

This Court vide order dated 15.02.2023 had called for a report regarding the present stage of the trial and the likely time to be consumed for conclusion of the trial, in pursuance whereof, the learned Judicial Magistrate, 1st Class, Gopalganj has submitted a report dated 24.02.2023, according to which, neither the case has been committed to the Court of Sessions for trial nor charges have been framed till date and the case is running for appearance of the accused persons, hence, apparently, the trial is not progressing at all.



Having regard to the facts and circumstances of the case, considering the nature of allegations levelled against the petitioner and taking into account the fact that though the petitioner is languishing in custody since about three and a half years, but the Trial has not yet commenced, I deem it fit and proper to admit the petitioner to the privilege of bail, but subject to certain conditions.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Gopalganj in connection with Gopalganj PS case no. 271 of 2018.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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