

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9798 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- CHENARI District- Rohtas

Ajay Singh Son Of Late Lalan Singh R/O Village- Saraiya, P.S.- Chenari,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
05.11.2022 in connection with Chenari P.S. Case No. 328 of
2022, F.I.R. dated 03.11.2022 for the offences punishable under
Sections 302, 120B/34 of the Indian Penal Code.

According to prosecution case, all the accused persons
including the petitioner have committed the murder of the
informant's son due to previous enmity.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and in fact, the informant is not the eye witness of the alleged. He further submits that the allegation against the petitioner is that the petitioner and the other accused persons have come to the house of the deceased and it has come in the confessional statement of Ashok Singh and Manju Devi who is wife of the deceased, that the petitioner and his friends have also come to the house of the deceased and Pankaj Kumar @ Pankaj Singh who accompanied with the petitioner to visit the house of the deceased has been granted bail by a co-ordinate Bench of this Court vide order dated 20.06.2023 passed in Cr. Misc. No. 14744 of 2023 and another co-accused, namely, Rakesh Ray has been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 34907 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.11.2022.

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

Considering the aforesaid facts and circumstances, let



the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Sasaram in connection with Chenari P.S. Case No. 328 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

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