

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27848 of 2023

Arising Out of PS. Case No.-62 Year-2021 Thana- KHUDWA District- Aurangabad

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AJIT PATEL @ AJIT KUMAR S/o- VINOD SINGH Village- Kalen Rohan
Bigha PS- Khudwa Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 02-08-2023 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Khudwa PS case no. 62 of 2021, registered under Sections 147, 149, 302 of the Indian Penal Code, inasmuch as the petitioner was granted liberty, vide order dated 07.02.2023 passed in Cr. Misc. no. 29390 of 2022, to renew his prayer for bail immediately after completion of six months from the date of order, in case the trial is not concluded.
3. The accused persons are alleged to have assaulted the brother of the informant, resulting in his death.
4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent



and is languishing in custody since 14.03.2022. The learned counsel for the petitioner has further submitted that firstly, a general and omnibus allegation has been levelled against all the accused persons and the petitioner has not been alleged to have engaged in any sort of specific over act, hence, he is liable to be granted the privilege of bail. It is also submitted that similarly situated co-accused persons have already been granted the privilege of regular bail by a co-ordinate Bench of this Court vide order dated 25.01.2023, passed in Cr. Misc. no. 5121 of 2022, Cr. Misc. no. 29815 of 2022 and Cr. Misc. no. 29853 of 2022. Lastly, it is submitted that only on account of a false statement made by the learned counsel for the informant, on the earlier occasion, to the effect that all the witnesses have been examined, this Court had refrained from granting bail to the petitioner.

5. At this juncture, it may be mentioned that this Court, vide order dated 21.06.2023, had called for a report from the learned court of Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, with regard to the present stage of the trial and the time likely to be taken in conclusion of the same, in compliance whereof, a report dated 05.07.2023 has been received by this Court, wherein it has been stated that there are



two trials going on and as far as the trial pertaining to the petitioner is concerned, only 5 witnesses out of 10 charge-sheet witnesses have been examined till date and it would take about 04 months more to conclude the trial.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that only 05 charge-sheet witnesses have been examined till date, in the on-going trial and similarly situated co-accused persons have already been granted the privilege of bail by a co-ordinate Bench of this Court, as aforesaid, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

7. 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 court of Sub-Divisional Judicial Magistrate, Daudnagar in connection with Khudwa PS case no. 62 of 2021.

(Mohit Kumar Shah, J)

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