

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46876 of 2023

Arising Out of PS. Case No.-105 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

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Ashish Yadav S/O Nawal Kishore Yadav @ Nawal Kishore Prasad R/O
Village- Gausganj, P.S. Ara Nagar, Dist. Bhojpur (Ara) Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suman Kumar Jha, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-08-2023 Report dated 09.08.2023 has been received pursuant to order dated 26.07.2023 from learned Additional District & Sessions Judge-VIII, Bhojpur at Ara wherein he has submitted that none of the charge sheet named witnesses has been examined in this case till 09.08.2023. Learned trial court has further submitted that it would require time of 24 months to conclude the trial.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 275 of 2021, arising out of Ara Muffasil P.S. Case No. 105 of 2021, registered on 27.04.2021 for the alleged offence under Sections 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act and



later on, Section 302 IPC was also added.

4. As per prosecution case, five miscreants committed dacoity in a bank branch. They looted cash and one of the miscreants received gunshot injury in the firing by another miscreant, who subsequently died. During investigation, the name of the petitioner came up as one of the miscreants.

5. Learned counsel for the petitioner submits that the petitioner has earlier filed Cr. Misc. No. 28371 of 2022 seeking bail and his prayer was rejected vide order dated 19.09.2022. Learned counsel further submitted that the petitioner is in custody since 22.06.2021. Learned counsel further submits that though it has been alleged that pistol has been recovered from the possession of the petitioner along with cash, but these articles were not put to any Test Identification Parade and shot fired in the occurrence was not matched with the pistol. The clothes worn by the petitioner were not recovered during investigation though it was one of the grounds of identification. The petitioner has been named in this case on the basis of confessional statement of co-accused Amit Yadav. A number of CCTV camera have been installed in the branch of the bank but footage was not matched with the appearance of the petitioner. There is no other evidence on the record to connect the



petitioner with the offence as alleged. No Test Identification Parade has been conducted. A number of co-accused persons have been granted bail by this Court as well as other Co-ordinate Benches vide orders dated 29.03.2022, 17.05.2022, 18.05.2022 and 19.09.2022 passed in Cr. Misc. Nos. 60082 of 2021, 61961 of 2021, 66663 of 2021, 70122 of 2021, 71464 of 2021 and 24054 of 2022, respectively. Learned counsel further submits that though charges have been framed on 11.02.2022 but till date no witness has been examined in this case.

6. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that no new ground has been brought on record by the petitioner.

7. Having regard to the facts and circumstances of the case and considering the fact that none of the witnesses have been examined till date and further considering the fact that there is no likelihood of early conclusion of trial, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VIII, Bhojpur at Ara /concerned court in connection with Sessions Trial No. 275 of 2021, arising out of Ara Muffasil P.S. Case No. 105 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal



Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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