

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59455 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

RAJ KUMAR Son of Uday Narayan Sahni Resident of Village- Chhatouni,
P.S.- Tariyani, District- Sheohar @ Shivhar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv.
		Mr.Arvind Kumar, Adv.
For the Opposite Party/s :		Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 23-03-2023 Heard learned senior counsel for the petitioner
and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 302/120B of the Indian Penal Code and Section 27 of the Arms Act and also 52 of the Prisoner Act.

The allegation against the petitioner is that he being a Warden of a prison, had taken the gun inside the jail premises and the same was used for killing and inmate.

Earlier the prayer for bail of this petitioner has been rejected vide order dated 11.01.2021 passed in Cr. Misc. No. 31790 of 2020.

It appears from the records, a report with regard to



present stage of the trial has been called for by this Court vide order dated 14.02.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that the charge has not been framed as yet against the petitioner due to non appearance of co-accused, Kundan Kumar.

Learned senior counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 08.01.2020 i.e more than three year. Hence the petitioner may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, ***after framing of charge***, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hajipur Sadar P.S. Case No. 04 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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