

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54277 of 2023

Arising Out of PS. Case No.-103 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

Raju Miyan @ Raju Mian @ Raju Miya @ Md. Rameej Akram @ Md.
Rameez Akram @MD. Ramij Akram@Raju Alam Son Of Ekram Mian @
Md. Ekram Hassan Ro-Simraur, P.S.-NEEMCHAK Bathani, Distt.-Gaya
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Y. V. Giri, Sr. Advocate
	Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s :	Mr. Ashok Kumar Singh, APP
For the Informant :	Mrs. Vaishnavi Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-10-2023 Heard Mr. Y V Giri, learned senior counsel duly assisted by Mr. Ranjeet Choubey, learned counsel appearing on behalf of the petitioner, Mrs. Vaishnavi Singh, learned counsel for the informant and the learned APP for the State.

2. This is the fourth attempt on behalf of the petitioner renewing for grant of his bail, who is in custody in connection with Neemchak Bathani P.S. Case No. 103 of 2018 registered for the offence punishable under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. While earlier rejecting the prayer for bail of the petitioner, this Court has taken into consideration the conduct of the petitioner while he was on provisional bail, as also, the specific nature of allegation, however, liberty was granted to the petitioner to renew his prayer for bail if the trial is not



concluded within a period of three months, considering the fact that the trial is at the fag end.

4. Learned senior counsel appearing on behalf of the petitioner vehemently submits that though the matter has been heard on merit thrice earlier, but still the genuineness of the prosecution case is required to be looked into. While drawing the attention of this Court to the FIR, he submitted that though there is specific allegation against Akram Miyan, Kalam Miyan, Raju Miyan (petitioner), Babar Miyan and Chote Lal Mistry that all of them surrounded the deceased and made indiscriminate firing, resulting into death of the son of the informant, however, the post mortem report suggests only two firearm injuries. That apart, co-accused Akram Miyan, Kalam Miyan and Babar Miyan have not even been sent up for trial and the case has not been found true against them during the course of investigation. He next submitted that, be that as it may, the petitioner has been incarcerated for over a period of four years and two months and till date, out of 17 witnesses only 5 witnesses have been examined and there is no likelihood of conclusion of trial in near future. He next submitted that the petitioner is also ready to give undertaking that he will fully co-operate in the trial and will remain present on each and every date till conclusion of the



trial.

5. On the other hand, learned counsel for the informant vehemently submits that one of the co-accused against whom there is identical allegation, namely, Chote Lal Mistry @ Chotey Lal Mistry, he is still behind the bar. That apart, the petitioner is also accused in 12 cases. She lastly submits that all the prosecution witnesses, examined in the trial, have fully supported the prosecution case.

6. At this stage, learned senior counsel submits that out of 12 cases, he has already been granted bail in seven cases and in four of the cases, final form has been submitted and he has not been sent up for trial and in one case, the petitioner is not even named.

7. Learned APP for the State also opposes the bail application.

8. On 16.08.2023, a report was called for regarding present status of the trial. It is informed that out of 20 charge-sheet witnesses, till date, only five have been examined.

9. Having considered the materials available on record, including the observation made by this Court and the submissions advanced on behalf of the parties, taking note of the period of custody of the petitioner and no likelihood of trial



being concluded in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – XV, Gaya in connection with Neemchak Bathani P.S. Case No. 103 of 2018, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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