

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52818 of 2023

Arising Out of PS. Case No.-37 Year-2015 Thana- BARACHATTI District- Gaya

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AJAY SINGH SON OF LATE MANGAL SINGH VILLAGE GOTHANI P S
RAFIGANJ DISTRICT AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard Mr. Krishna Prasad Singh, learned senior

counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 184 of 2016/328 of 2023 arising out of

Barachatti P.S. Case No. 37 of 2015 registered for the offence

under Sections 364(A), 395, and 412 of the Indian Penal

Code.

The brother of the informant is alleged to have

been kidnapped by some unknown persons along with his

vehicle.

Learned senior counsel appearing for the

petitioner submits that the petitioner is innocent and has

falsely been implicated in this case. He further submits that



the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the petitioner has not been named in the F.I.R., however, his name transpired in this case on the basis of confessional statement of the co-accused persons. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Firoz Mian, Mohammad Shahid, Md. Raju Mian @ Raju Qureaashi @ Md. Raju Qureashi having more or less similar allegation have already been granted bail by a co-ordinate Bench of this Court vide order dated 09.02.2016, 28.04.2026, and 17.09.2016 passed in Cr. Misc. No. 49757 of 2015, Cr. Misc. No. 11440 of 2016, and Cr. Misc. No. 34374, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.05.2015.

A report with regard to present stage of the trial has been called for by this Court vide order dated 22.08.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that



out of seventeen witnesses, only seven witnesses have been examined till date.

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 for the last eight years.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one but he has been allowed bail in two cases out of four.

Considering the facts and circumstances of the case and the stage of the trial and also the period of custody, let the, above named, petitioner 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 learned Additional Sessions Judge, Sherghati, Gaya in connection with Barachatti P.S. Case No. 37 of 2015/ S.T. No. 184 of 2016/328 of 2023 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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