

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53429 of 2023

Arising Out of PS. Case No.-128 Year-2019 Thana- RAJPUR District- Buxar

SERAJ @ BHUAR KHAN @ SERAJ ANSARI @ BHUAR S/O DAFDAR
ANSARI @ DAFADAR ANSARI @ ANSHARI R/O VILLAGE-
SANGRAON, MANGRAON, PS. RAJPUR, DIST. BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-08-2023 Heard Mr. Satyendra Rai, learned counsel for the

petitioner and Mr. Sunil Kumar Pandey, learned Additional

Public Prosecutor appearing for the State.

2. Petitioner seeks regular bail in connection with

Sessions Trial No. 52 of 2021 arising out of Rajpur P.S.

Case No. 128 of 2019 dated 16.6.2019 registered for the

offence punishable under Section 302/34 of the Indian

Penal Code and Section 27 of the Arms Act.

3. This is second attempt for grant of regular bail

on behalf of the petitioner inasmuch as earlier the bail

application of the petitioner was rejected by this Court vide

order dated 18.04.2022 passed in Cr. Misc. 40442 of 2021.



4. As per the First Information Report some unknown criminals shot fire upon the son of the informant namely Sushil Pathak and one Krishnakant while they were returning home from the Motorcycle, due to which, they died.

5. Learned counsel for the petitioner submits that the FIR is against unknown and the name of the petitioner has come on the basis of his self inculpatory extrajudicial confessional statement and the confessional statement of the co-accused persons who have been granted bail by co-ordinate Benches of this Court vide Annexure-P/3 series. He further submits that the petitioner is in custody since 12.9.2020 and his bail application was dismissed on the basis of materials collected during course of investigation and the confessional statement of the petitioner and that of other accused persons in which they have disclosed that the petitioner and one Bhim Pandey were the assailants and shot fire upon the son of the informant and his friend due to which, they died. He next submits that co-accused Bhim Pandey has been granted bail by a co-ordinate Bench of this Court vide order dated 17.5.2023 passed in Cr. Misc. 33269



of 2022.

6. Taking into consideration the period of custody and delay in conclusion of the trial learned counsel for the petitioner refers to the order dated 23.6.2023 passed by the learned 4th Additional Sessions Judge, Buxar, in the 2nd bail application moved by the petitioner and submits that from perusal of the same it would be evident that the charges have been framed on 5.1.2022 but no prosecution witnesses have been examined.

7. Regards being had to the submission made by the parties and taking into consideration the fact that the petitioner is in custody since 12.9.2020, the trial has not progressed substantially from the date of rejection of the bail application of the petitioner, the petitioner has remained in custody for about three years and co-accused Bhim Pandey has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

8. Accordingly, let the petitioner, above named, be released on regular 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



Sessions Judge-4, Buxar, in connection with Sessions Trial No. 52 of 2021 arising out of Rajpur P.S. Case No. 128 of 2019 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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