

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56066 of 2022

Arising Out of PS. Case No.-534 Year-2019 Thana- SHASTRINAGAR District- Patna

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AJEET KUMAR SON OF MUNESH SHARMA Resident of Village-
Khapuri, P.S.- Dulhin Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-01-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 364A and 120B of the Indian Penal Code.

As per the prosecution case, the accused persons on a motorcycle on the point of pistol stopped the informant, assaulted him and took away Rs.20,000/ in cash besides other articles as mentioned in the F.I.R. Thereafter, it is stated that they deposited a sum of Rs.14,500/ where his wife was admitted, got her discharged and under threat asked the informant to get the jewellery from home. Thereafter, the informant gives the name of seven accused persons including the petitioner herein on the basis of the conversation that the accused were having amongst themselves.



It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 21.2.2022 with a direction to the learned trial court to expedite the trial. In spite of the petitioner having remained in custody since 16.9.2020 and more than 10 months having passed since the last order of rejection, there is no progress in the trial in the learned trial court. The petitioner undertakes to cooperate in the trial.

Heard learned APP for the State.

A report was called for from the learned trial Court. On perusal of the report contained in letter dated 22.11.2022 of the learned Addl. Sessions Judge XIII, Patna, it transpires that charge was framed on 9.3.2021 and one out of four prosecution witnesses has been examined. However, for production of witnesses summons, bailable warrants and non bailable warrants have been issued.

Taking into consideration the petitioner having remained in custody since 16.9.2020, grant of bail to co-accused Rajnish Kumar vide order dated 21.12.2022 passed in Cr. Misc. no. 62210 of 2022, together with the prosecution witness not appearing in the trial in the learned trial court in spite of issuance of summons, bailable warrants and non bailable warrants the



petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 41 of 2021 (arising out of Shastri Nagar P.S. Case no. 534 of 2019) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XIII, Patna.

(Partha Sarthy, J)

Spd/-

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