

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66041 of 2022**

Arising Out of PS. Case No.-175 Year-2020 Thana- MAJORGANJ District- Sitamarhi

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Ajay Kumar Son Of Nageshwar Mahto R/O Village- Laldasi, P.S.- Majorganj,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 25-01-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 302, 354, 504, 34 of the Indian Penal Code.

Earlier the bail petition of the petitioner was rejected vide order dated 23.02.2022 passed in Cr. Misc. No. 44928 of 2021.

Vide order dated 30.11.2022, a report was called for with regard to the stage of the trial. The report dated 04.01.2023 reveals that charge has been framed in this case on 03.01.2023



and the case is pending for prosecution evidence.

Learned counsel for the petitioner submits that in view of the report the trial is not concluded in near future and the petitioner is in custody since 24.02.2021. He further submits that similarly situated co-accused nageshwar Mahto has been granted bail by this Court vide order dated 18.07.2022 passed in Cr. Misc. No. 47724 of 2021 and the case of the petitioner stands on similar footing.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 214 of 2022 arising out of Majorganj P.S. Case No. 175 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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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