

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65859 of 2022

Arising Out of PS. Case No.-62 Year-2005 Thana- ALAMGANJ District- Patna

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AJAY KUMAR @ KANA @ AJAY KANA, S/o Vijay Ram, R/o New
Ambedkar Colony, (Sandalpur), P.S- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajanan Mishra, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 Heard learned counsel appearing on behalf of the pe-
titioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Alamganj
P.S. Case No. 62 of 2005 corresponding Session Trial No.
131/2010 registered for the offence under Section 395 of the In-
dian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.04.2019.

The allegation against the petitioner is to commit da-
coity in the shop of informant alongwith other co-accused per-
sons and while committing so taken away cash of Rs. 650/- be-
longs to informant, ring made up of gold and wrist watch be-



longs to informant.

Learned counsel appearing on behalf of the petitioner submitted that from the bare perusal of the FIR, it appears that name of petitioner was supplied to informant by unknown neighbours and as such, save and except suspicion nothing surfaced against this petitioner. While travelling over the argument, it is submitted that during the course of investigation, no incriminating material recovered/surfaced to connect petitioner with present occurrence of dacoity, in furtherance of suspicion as raised through FIR. It is also submitted that petitioner found involved in three more criminal cases, where he is on bail. While concluding the argument, it is submitted that in present case, charge has been framed on 24.06.2019 and thereafter not even a single prosecution witness has been examined in this case and as such petitioner cannot be kept behind the bar for any indefinite period of time for the conclusion of trial.

Learned APP, while opposing the prayer for bail submitted that there is strong suspicion against this petitioner.

Considering the facts and circumstances as mentioned above as no incriminating material recovered from this petitioner, who is in custody since 08.04.2019, coupled with the fact that charge-sheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Alamganj P.S. Case No. 62 of 2005 corresponding Session Trial No. 131/2010 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-III, Patna City/concerned Court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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