

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10100 of 2024

Arising Out of PS. Case No.-657 Year-2021 Thana- PURNEA SADAR District- Purnia

Md. Sams Raja @ Sams Raja @ Md. Shams Raja @ Shams Raja Son Of Md. Shis Alam Resident Of Village- Ward No. 6, Lalganj, Ps- Maranga, Distt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Senior Advocate
Mr. Devashish Giri, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-03-2024 Heard Mr. Y.V. Giri, learned senior counsel for the petitioner and Mr. Lalan Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 20.05.2022 in connection with Sessions Trial No. 178 of 2023/CIS No. 178 of 2023 arising out of Sadar (Mufassil) P.S. Case No. 657 of 2021, F.I.R. dated 06.12.2021 for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

3. Earlier the bail application of the petitioner was rejected by this Hon'ble Court vide order dated 04.04.2023 passed in Cr. Misc. No. 62955 of 2022/

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Chand Alam. He further submits that similarly situated, co-accused, namely, Chand Alam has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.02.2023 passed in Cr. Misc. No. 57286 of 2022.

5. Vide order dated 09.02.2024 a report was called with regard to stage of the trial. Report of the learned Trial Court dated 19.02.2024 reveals that out of 6 charge sheet witnesses only 1 witness has been examined as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 20.05.2022. He further submits that the co-accused person, namely, Chand Alam who has confessed the name of the petitioner has been granted bail by a Co-ordinate Bench of this Hon'ble Court.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



8. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person who has been granted bail by a Co-ordinate Bench of this Hon'ble Court as well as report of the learned Trial Court, let the petitioner, above named, 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 the learned Sessions Judge, Purnea in connection with Sessions Trial No. 178 of 2023/CIS No. 178 of 2023 arising out of Sadar (Mufassil) P.S. Case No. 657 of 2021, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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