

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18371 of 2024

Arising Out of PS. Case No.-67 Year-2022 Thana- ASHOK PAPER MILL District-
Darbhanga

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Bajrang Sah @ Bajrana Sah @ Bajrangi Sah S/o- Late Ganga Sah resident of
village - shivasinghpur,p.s.- Ashok paper mill (A.P.M.), Dist- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mrs. Smiti Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2024 Heard Manoj Kumar, learned counsel for the

petitioner, Mrs. Smiti Bharti, learned counsel for the informant as

well as Mrs. Smiti Bharti, learned A.P.P. appearing on behalf of the

State.

2. The petitioner seeks bail, who is in custody since
18.04.2022, in connection with Ashok Paper Mill (A.P.M.) P.S.
Case No. 67 of 2022, FIR dated 16.04.2022 registered for the
offence under Sections 323, 341, 447, 307, 326(A), 504, 506 and
34 of the Indian Penal Code and later on Section 302 of the Indian
Penal Code was added.

3. Earlier the bail application of the petitioner was
rejected twice vide order dated 14.02.2023 passed in Cr. Misc. No.
33645 of 2022 and vide order dated 12.01.2024 passed in Cr.
Misc. No. 991 of 2024.



4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that due to admitted land dispute between the parties the present occurrence has taken place. He further submits that there is case and counter case between the parties. The petitioner is rotting in judicial custody since 04.09.2022.

5. Vide order dated 13.03.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 15.03.2024 reveals that out of ten witnesses, only one witness has been examined and nine prosecution witnesses are to be examined.

6. Learned counsel for the petitioner referring the aforesaid report of the learned Trial Court and submits that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 18.04.2022.

7. Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the Court was vacant and due to this reason the trial is not in progress.

8. Considering the facts and circumstances of the case as well as the period of custody, let the, above named, petitioner 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 learned Additional Sessions Judge, V, Darbhanga in connection with Ashok Paper Mill (A.P.M.) P.S. Case No. 67 of 2022 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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