

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37291 of 2024

Arising Out of PS. Case No.-245 Year-2021 Thana- GANGABRIDGE District- Vaishali

Nagina Das SON OF Late Devan Das R/O VILLAGE- DIWAN TOK, P.S.-
GANGA BRIDGE, DIST- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2024 Heard Mr. Kaushal Kishor, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
16.12.2022, in connection with Ganga Bridge P.S. Case No. 245
of 2021, FIR dated 06.11.2021 for the offences punishable under
Sections 326, 302, 504, 506 and 34 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 22.09.2023 passed in Cr. Misc. No.
42989 of 2023.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has falsely been implicated in
the present case. He further submits that although there is
specific allegation against the petitioner, charge-sheet has been



submitted against the petitioner long back and cognizance has been taken on 16.03.2023 but till date there is no progress in the trial. He further submits that co-accused person, namely, Sujit Das has already been granted bail by this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 23599 of 2023. The petitioner is rotting in judicial custody since 16.12.2022.

5. Vide order dated 21.06.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 28.06.2024 reveals that out of 10 witnesses, prosecution has not examined any witness as yet.

6. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present one.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 16.12.2022.

8. Considering the facts and circumstances of the case as well as the report of the trial Court and 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 Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 245 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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