

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74421 of 2023**

Arising Out of PS. Case No.-121 Year-2018 Thana- WARISLIGANJ District- Nawada

1. Anjani Singh @ Anjani Kumar, S/O Sri Umesh Singh @ Umesh Prasad Singh, Resident of Village -Kutari, P.O.- Naromurar, P.S.- Warisaliganj, Dist. Nawada
2. Pankaj Pathak, S/O Ravindra Pathak, Resident of Village -Kutari, P.O.- Naromurar, P.S.- Warisaliganj, Dist. Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                         |
|----------------------|---|-----------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. N. K. Agarwal, Sr. Adv.<br>Mr. Arvind Prasad Singh, Adv.<br>Mr. Kumar Rajdeep, Adv. |
| For the State        | : | Mr. Suresh Pd. Singh, APP                                                               |
| For the Informant :  |   | Mr. Deepak Kumar, Adv.                                                                  |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

5      19-01-2024                      1. Heard learned senior counsel for the petitioners, learned APP for the State and learned counsel for the informant.

2. Petitioners seek regular bail in connection with Warisaliganj P.S. Case No. 121 of 2018 dated 23.04.2018 registered for the offence(s) punishable under Section(s) 166, 201, 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. The main submissions advanced by learned senior counsel for the petitioners are that this is second attempt of the petitioners to get the relief of regular bail and their earlier bail prayer was rejected by this Bench vide order dated 17.04.2023 passed in Cr. Misc. No. 14228/2023 with



giving them a liberty to renew their bail prayer after six months from the date of the said rejection order if they co-operate in their trial but till date no significant progress has been made in their trial and as per the present status of the petitioners' case, till date the trial of their case has not started, though some co-accused persons who were granted bail have misused their privilege of bail and some have filed discharge petition but for this, the petitioners are not responsible and the petitioners should not be made to suffer for the wrong doing by co-accused and they have been languishing in jail since 23.01.2023. Further submissions are that the petitioners did not suppress any material fact earlier as before 2012, there was no requirement of disclosure of criminal antecedent as per high court rules so it is wrong to say that the petitioners concealed their criminal antecedent intentionally before this Court while pressing their bail prayer in connection with Warisaliganj P.S. Case No. 181 of 2015 which relates to main occurrence of assault in which the petitioners were granted anticipatory bail and thereafter, the informant approached this Court for the cancellation of the bail of the petitioners but their prayer was rejected and the said fact was intentionally suppressed by the informant. Further submissions are that seven co-accused persons



including Dr. Sanjeet Kumar and Dhananjay Kumar, who allegedly forged the documents in question, have been granted bail by different Benches of this Court vide orders dated 02.02.2023 and 29.04.2023 passed in Cr. Misc. No. 58645/2022 and 72971/2022 respectively and the case of the petitioners stands on better footing from the said co-accused persons.

4. Learned APP appearing for the State as well as learned counsel for the informant has opposed the bail prayer.

5. Heard both the sides and perused the status report of the petitioners' trial sent by the trial court. It appears that the petitioners' case is still running at the initial stage and no progress has been made in their case and till date, charges have not been framed upon them and some co-accused persons have absconded after getting bail and some have filed discharge petition but for this, the petitioners should not be made to suffer and the petitioners have again come in the light of the liberty given to them by this Court and they have been languishing in jail since 23.01.2023. Considering these facts, in the opinion of this Court, the petitioners now deserve to a lenient approach of this Court. Accordingly, let the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with



Warisaliganj P.S. Case No. 121 of 2018, **on following conditions :-**

(1) As according to learned counsel for the petitioners, no discharge petition has been filed by the petitioners, so the petitioners shall be **released after framing of charge upon them** and the trial court is directed to split up the petitioners' case from other co-accused persons at the earliest preferably within fifteen days from the receipt of this order's copy and thereafter, frame charge(s) upon the petitioners according to law and procedure.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the trial Court.

(3) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(4) One of the bailors shall be a close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

**(Shailendra Singh, J)**

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