

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80518 of 2023

Arising Out of PS. Case No.-43 Year-2021 Thana- KANGLI District- West Champaran

Najir Alam Son Of Ishu Mahamad Miyan Resident Of Village - Maswas, P.S.
- Kangali, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-01-2024 Heard Mr. Sujeet Kumar, learned counsel for the

petitioner and Ms. Nirmala Kumari, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
09.05.2022 in connection with Kangali P.S. Case No. 43 of
2021, F.I.R. dated 04.07.2021 for the offences punishable under
Sections 406, 420, 313, 376(G) and 506 of the Indian Penal
Code.

3. Earlier the bail application of the petitioner has
been rejected vide order dated 23.02.2023 passed in Cr. Misc.
No. 40565 of 2022. Thereafter, the petitioner has again moved
before this Hon'ble Court in Cr. Misc. No. 60485 of 2022 which
was dismissed as withdrawn vide order dated 08.09.2023.

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 allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that although the victim in her statement recorded under Section 164 of the Cr.P.C. has supported the case of the petitioner. He further submits that on the same set of facts the similarly situated, co-accused, namely, Umesh Yadav @ Chaukidar Umesh Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.03.2023 passed in Cr. Misc. No. 71490 of 2022. The petitioner is in custody since 09.05.2022.

5. Vide order dated 08.12.2023 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 21.12.2023 reveals that out of 7 witnesses only one witness has been examined as yet.

6. Learned counsel for the petitioner further submits that in view of the report of the learned Trial Court it appears that the trial is not likely to be concluded in the near future and the petitioner is in custody since 09.05.2022.

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



submits that there is direct and specific allegation against the petitioner and apart from the petitioner has received Rs. 7,68,000/- from the victim and he has not returned the same as yet.

8. Considering the aforesaid facts and circumstances and the fact that the co-accused person has been granted anticipatory bail and the 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 court below in connection with Kangali P.S. Case No. 43 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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