

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29262 of 2025

Arising Out of PS. Case No.-103 Year-2021 Thana- CHAKIA District- East Champaran

Ajit Kumar, S/O Dwarika Sah, R/o vill - Bakhari, P.S.- Chakiya, Distt.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-05-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with S.T. No. 279 of 2022
arising out of Chakia P.S. Case No. 103 of 2021 registered for
the offence punishable under Sections 364A, 120B and 34 of the
Indian Penal Code.

3. This is the third attempt made on behalf of the
petitioner as earlier twice the prayer for bail of the petitioner
came to be negated by this Court in Criminal Miscellaneous No.
57021 of 2021 and further in Criminal Miscellaneous No. 31592
of 2023.

4. Learned Advocate appearing on behalf of the



petitioner taking this Court through the order of this Court dated 12.10.2022 has contended that while rejecting the prayer for bail of the petitioner, this Court had taken note of the fact that the prayer of the co-accused Vikash Kumar, who was also facing similar allegation, had been rejected. Subsequently, on second occasion, this Court, however, negating the prayer for bail of the petitioner vide order dated 21.06.2023, has accorded liberty to renew his prayer for bail if the trial is not concluded within a period of four months. It is the contention of the petitioner that more than 1 year and 10 months have been lapsed and in the interregnum period co-accused Vikash Kumar has also been allowed bail by this Court in Criminal Miscellaneous No. 45131 of 2024 vide order dated 11.09.2024, the copy of the order has been placed on record.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the observation of this Court and the fact that the petitioner has been incarcerated since 02.05.2021 and the co-accused person having identical allegation has been allowed bail, let the petitioner, named above,



be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge – 20, East Champaran, Motihari in connection with S.T. No. 279 of 2022 arising out of Chakia P.S. Case No. 103 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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