

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26246 of 2020**

Arising Out of PS. Case No.-326 Year-2019 Thana- BIKRAM District- Patna

JAIPRAKSH KUMAR S/o Late Kashi Nath Prasad Resident of Anchari
Mathiya, P.S.- Ranitalab, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate

Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-11-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned Sr. Counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State in absence of Mr. Rajiv Nayan, APP.

This is the second attempt of the petitioner to obtain regular bail in connection with Bikram P.S. Case No. 326 of 2019 registered for the offence punishable under Section 392 of the Indian Penal Code.

Learned Sr. Counsel for the petitioner submits that the petitioner was intercepted by Police while he was going on a motorcycle and the motorcycle was occupied by three persons. The police officer detained the petitioner and called Madho Sharma and Pintu Kumar and got them identified, no T.I.P. has been conducted in



the matter, further it is submitted that the trial has not begun, co-accused Awinash Kumar has been granted regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 12663 of 020 on 05.06.2020.

It is further submitted that the petitioner is in custody since 24.10.2019 and has got no criminal antecedent.

Learned APP for the State has though opposed the prayer for regular bail, this Court having gone through the report received from the learned trial court which is placed at flag 'A' finds that the case is still going on for framing of charge, trial has not yet begun, co-accused has been granted bail by a learned co-ordinate Bench of this Court, the petitioner has no criminal antecedent and has remained in jail for over one year, in the circumstances, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Danapur in connection with Bikram P.S. Case No. 326 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make



any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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 steps for cancellation of bail bond of the petitioner.

And further condition that the petitioner shall co-operate in course of trial by appearing in the trial court on the date fixed in the matter and two consecutive defaults in putting appearance in the court below at the stage of trial shall invite cancellation of bail of the petitioner. If the petitioner indulges in threatening the witnesses it will be open for the investigating officer or the informant to take steps for cancellation of bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

