

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29929 of 2020**

Arising Out of PS. Case No.-12 Year-2001 Thana- SIKARHATTA District- Bhojpur

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Bimal Kumar Rai @ Vimal Kumar Ray, S/o Jagarnath Rai @ Jagannath Rai,
Resident of Village-Bagar, P.S.-Sikrahata @ Sikar,hata @ Sikarhatta, District-
Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-12-2020 Heard learned counsel for the petitioner and Mr. Amit
Kumar Rakesh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Sessions Trial No. 350 of 2019 arising out of
Sikrahata@Sikarhata@Sikarhatta P.S. Case No. 12 of 2001
registered for the offences under Sections 302, 120 (B)/34 of the
Indian Penal Code.

Earlier the prayer for regular bail of the petitioner was
rejected vide order dated 24.01.2020 passed in Cr. Misc. No.
66398 of 2019. At the relevant time, this Court had taken note of
the fact that the charges have already been framed and,
therefore, a direction was issued that the trial court shall
conclude the trial by giving this case priority and without



granting any unnecessary adjournment. This Court has also taken note of the fact that this petitioner is not named as an assailant in this case and those who were named and had allegedly resorted to firing have been granted regular bail.

Today, learned counsel for the petitioner has submitted that the only allegation against the petitioner is that he had indicated towards a particular area where Chandra Bhushan was living. This petitioner is the cousin brother of the informant. There is no allegation that the petitioner had fired. It is further submitted that the petitioner has now remained in jail for 20 months and during this period the trial has not progressed.

This Court had called for a report from the learned trial court which has been received vide letter no. 109 dated 01.12.2020. It appears that the trial has not proceeded and the learned trial court is still looking for at least one year time if the court starts in physical mode.

Mr. Amit Kumar Rakesh, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, wherein the trial is not likely to be concluded in near future and the petitioner has remained in jail for 20 months, he is ready to present himself in course of trial, let the petitioner above named



be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Bhojpur at Ara in connection with Sessions Trial No. 350 of 2019 arising out of Sikrahata@Sikarhata@Sikarhatta P.S. Case No. 12 of 2001, 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 must appear in course of trial on each and every date fixed in the matter and two consecutive defaults in putting appearance without there being any cogent reason shall lead to cancellation of his bail bond.



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.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

