

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13804 of 2021

Arising Out of PS. Case No.-762 Year-2018 Thana- SHEKHPURA District- Sheikhpura

Amit Kumar aged about 35 years (male) (Office Assistant) Son of Santu Prasad @ Shantu Prasad Resident of Mohalla- Kaji Bazar, Nimtal, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, Bihar Gramin Bank, Kaithwan Sarai, P.S.- Sheikhpura, District- Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 16-08-2021 Heard learned counsel for the parties through video conferencing.

This is 2nd attempt for grant of bail on behalf of petitioner. Earlier, the bail petition of petitioner was rejected, vide order dated 22.06.2020 passed in Cr.Misc. No. 7988 of 2018.

On last occasion, vide order dated 30.06.2021, a report regarding stage of the trial was called for, which has been received and kept at flag 'R'. On perusal whereof, it reveals that out of 12 prosecution witnesses, six witnesses have already been examined and rest witnesses are to be examined. It also reveals that no witness has been examined after 27.01.2020.



It is submitted by learned counsel for the petitioner that last witness was examined on 27.01.2020 and after lapse of more than one & half years, no other witness has been examined and petitioner is in custody since 02.07.2019. It is further submitted that similarly situated co-accused namely Prakash Prasad and Vikash Kumar have already been granted bail by this Court, vide order dated 14.11.2019 passed in Cr.Misc. No. 63175 of 2019 and order dated 01.10.2019 passed in Cr.Misc. No. 2561 of 2019 respectively.

Learned A.P.P. for the State has opposed the bail petition.

Considering the period of custody and the fact that there is no adequate progress in the trial, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 762 of 2018, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his



bail-bond shall be cancelled by the court below.

(2) 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.”

(Prabhat Kumar Singh, J.)

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