

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16254 of 2021**

Arising Out of PS. Case No.-34 Year-2017 Thana- KHIRI MORE District- Patna

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VIKASH KUMAR @ VIKASH KUMAR SINGH, Son of Jitendra Singh,
Resident of Village- Mera, P.S.- Khiri More, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Y.C. Verma, learned Senior Counsel for the petitioner assisted by Mr. Anuj Kumar, learned Advocate and Mr. Uday Chand Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with S.Tr. No. 539 of 2018 arising out of Khirimore P.S. Case No. 34 of 2017 registered for the offence punishable under Section 341, 323, 326, 307, 498A, 504/34 of the Indian Penal Code. Later on Section 304B and 302 of the Indian Penal Code was added. He is in custody since 26.04.2018. The petitioner has otherwise no criminal antecedent.

Earlier the prayer for regular bail of the petitioner was rejected on 26.11.2019 passed in Cr. Misc. No. 75485 of 2019 (Annexure '1').

Learned Senior Counsel for the petitioner submits that no doubt the petitioner is the husband of the deceased but in this case the marriage was solemnized in the year 2011 and the petitioner has got two children out of the said wedlock, therefore, the allegation of demand of Rs. 1.60 lacs for which the alleged occurrence is said to have been committed by the petitioner seems to be highly improbable, nonetheless considering the observation of the learned predecessor Bench directing the learned court below to expedite the committal proceeding because the petitioner had been in jail at that time for one and half years, he would contend that there is an inordinate delay in proceeding with the trial in the present case. It is submitted that till date only charge has been framed but no witness has turned up after framing of charge on 11.04.2019.

Learned Senior Counsel submits that the petitioner has suffered three and half years approximately in incarceration and if no witness has turned up for last more than two years, the further incarceration of the petitioner is not likely to help the prosecution.

Mr. Uday Chand Prasad, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner saying that because of the pandemic situation the trial has not been concluded and the trial court is expecting conclusion of trial in six months if the court starts normal functioning, considering the facts and circumstances of the present case, in which as per the trial court's report the charge was framed on 11.04.2019 i.e. almost one year prior to breakdown of the pandemic but none of the chargesheet witnesses has turned up and the petitioner has remained in jail for approximately three and half years, this Court agrees with the submission of learned Senior Counsel that his further incarceration at this stage is not likely to help the prosecution, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Danapur in connection with S.Tr. No. 539 of 2018 arising out of Khirimore P.S. Case No. 34 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that in course of trial petitioner shall appear on each and every date fixed in the matter and two consecutive defaults in putting appearance without there being

any cogent reason the learned court below shall take steps for cancellation of bail of the petitioner.

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.

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'.