

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18701 of 2021

Arising Out of PS. Case No.-474 Year-2019 Thana- MAHUA District- Vaishali

RAHUL KUMAR SINGH @ ANUPAM KUMAR, SON OF LALAN PRASAD SINGH, R/O VILLAGE- SANCHIPATTI, WARD NO.7, P.S.- HAJIPUR TOWN, DISTRICT- VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 21-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 395 and 397 of the Indian Penal Code.

As per the prosecution case, unknown accused persons are stated to have committed dacoity in the house of the informant.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 16.12.2020 (Annexure-1) passed in Cr.Misc. No. 23865 of 2020 directing the learned trial court to expedite the trial. In spite of more than 10 months having passed since the said order, the trial is yet to commence.



On merits it is submitted by learned counsel for the petitioner that it appears that an error of record was committed while rejecting the application for bail of the petitioner by order dated 16.12.2020 wherein it was observed that while trying to flee after giving effect to the occurrence, the petitioner was amongst one of the two accused persons who met with an accident and was caught. This being an error would be evident from the fact that while the FIR was registered on 20.8.2019, the petitioner was remanded in the instant case on 9.1.2020. Further no incriminating article has been recovered from the petitioner's possession nor has he been put on T.I. parade. He is in custody since 9.1.2020 and undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State who submits that there has been active involvement of the petitioner in the occurrence. Further as per the report received from the learned trial court, 28.9.2021 was the date fixed for appearance of the accused persons.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the period in custody together with there being no progress in the learned trial court inspite of the direction by this Court in its order dated 16.12.2020, the petitioner is directed to be enlarged on bail in



connection with Mahua P.S. Case no. 474 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur.

It is further directed that the petitioner shall cooperate in the trial and in case the learned trial court is of the opinion that the trial is being delayed due to non cooperation on part of the petitioner, it may cancel the bail bond of the petitioners and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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