

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35944 of 2021

Arising Out of PS. Case No.-470 Year-2019 Thana- FALKA District- Katihar

MD. VASIK @ VASIK S/O- Md. Iliyas R/O- Alampur, Fatehpur, P.S. -
Kasba, Distt. - Purnia.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, State

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-09-2021 Heard Mr. Sanjeev Kumar Singh, learned counsel for the
petitioner and Mr. Nirmal Kumar Sinha, learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail in connection with Falka
Police Station Case No. 470 of 2019, registered for the offences
punishable under Sections 413, 414 of the Indian Penal Code and
Section 25(1-b)a, 26 of the Arms Act.

This is the second attempt on behalf of the petitioner for
grant of regular bail inasmuch as earlier, the prayer for regular bail of
the petitioner was dismissed by this Court, vide order dated
17.09.2020, passed in Criminal Misc. No. 23585 of 2020, giving
liberty to the petitioner to renew his prayer for bail after six months
from the date of the order, if the trial does not show any progress.

The allegation against the petitioner, as per the First
Information Report, is that the police got a secret information on
20.12.2019 that some accused persons were going on a motorcycle,



proceeded towards the place of occurrence and intercepted one motorcycle, along with two persons on it, out of them, one person succeeded in fleeing away and the police apprehended the other person, who disclosed his name as Md. Vasik (the petitioner) and also disclosed the name of his accomplice as Pinka Mandal. The police seized the motorcycle from the possession of the petitioner and recovered one country-made pistol, one live cartridge, one small Nokia mobile set, one iron rinch and one iron tool used in breaking the lock of the motorcycle.

Learned counsel for the petitioner submits that while rejecting the bail application of the petitioner earlier, this Court had granted liberty to the petitioner to renew his prayer, if the trial does not show any progress. Accordingly, learned counsel submits that trial of the petitioner has not yet completed and the petitioner is in custody since 20.12.2019.

This Court vide order dated 28.07.2021 had called for a report regarding the stage of trial in connection with Falka P.S. Case No.470 of 2019 and in pursuance thereof, report dated 12.08.2021 vide letter No. 143 has been submitted by Addl. Sessions Judge-IV, Katihar and from perusal of the same, it appears that the case has been committed before the Court of Sessions where it is pending for framing of charge.



Regard being had to the submissions advanced on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 20.12.2019, the trial is not likely to be concluded in near future due to COVID-19 pandemic and this the second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Falka Police Station Case No. 470 of 2019, on the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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