

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38817 of 2020**

Arising Out of PS. Case No.-369 Year-2017 Thana- KHAGARIA District- Khagaria

=====

TINKU KUMAR SON OF ASHOK CHAUDHARY RESIDENT OF
VILLAGE- DURGAPUR, P.S.- MUFFASIL, DISTRICT- KHAGARIA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 10-08-2021 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 learned counsel for the petitioner and learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail in connection with S.T. No. 248 of 2018 arising out of Khagaria (Muffasil) P.S. Case No. 369 of 2017, G.R. No. 1557 of 2017 registered for the offences punishable under Sections 341, 323, 307, 302/34 of the Indian Penal Code.

Learned counsel for the petitioner has drawn the attention of this Court towards the order dated 16.02.2019 passed by learned predecessor Bench of this Court in Cr. Misc.

No. 3620 of 2019 in which while rejecting the prayer for bail of the petitioner, the Court had noticed that there were allegations of causing assault on the head of the informant's father by means of khanti and iron rod. The co-accused Rinku Kumar had allegedly assaulted by means of iron rod and this petitioner had assaulted by means of khanti, the doctor had noticed two injuries on the head of the deceased out of which one was lacerated, another was stitched wound.

Learned counsel for the petitioner has further pointed out to this Court that while rejecting the prayer for bail of the petitioner, the learned predecessor Bench of this Court had directed the learned trial court to conclude the trial as early as possible, preferably within six months from the date of receipt or production of a copy of this order. It is his submission that now almost one year six months have elapsed from the date of last rejection of the prayer of the petitioner but the trial is not likely to be concluded in near future.

Learned counsel submits that in the meantime the co-accused Rinku Kumar had moved this Court in his third attempt for grant of bail in Cr. Misc. No. 35957 of 2020. His prayer for bail was considered by a learned co-ordinate Bench of this Court and the same was conditionally allowed vide order dated

22.01.2021 directing the learned trial court to conclude the trial positively within a period of four months from the date of receipt/production of a copy of the order failing which the court below was directed to release the petitioner on appropriate terms and conditions and submit failure report as to non-conclusion of the trial despite direction of this Court to the Registrar (Vigilance) of this Court.

Learned counsel, thus, submits that considering that the case of the petitioner is standing on similar footing with the co-accused Rinku Kumar and further the trial is not likely to take place in near future, the petitioner deserves similar benefit of privilege of bail.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, considering the aforesaid submissions of learned counsel for the petitioner and finding that the case of the petitioner seems to be similarly situated with the co-accused Rinku Kumar who has got the benefit of privilege of regular bail, further that the petitioner has remained in custody in connection with this case for three years and three months by now but the trial is not likely to be concluded in near future and that the petitioner has otherwise got no criminal antecedent, 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 Sessions Judge, Khagaria in connection with S.T. No. 248 of 2018 arising out of Khagaria (Muffasil) P.S. Case No. 369 of 2017, G.R. No. 1557 of 2017 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 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)

Rishi/-

U		T	
---	--	---	--

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'.