

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66893 of 2021

Arising Out of PS. Case No.-187 Year-2019 Thana- SAKRA District- Muzaffarpur

VIKASH KUMAR, Son of Vinay Bhushan @ Vinay Bhusan Sahani, Resident
of Village- Karnpur Bochahan, P.S.- Bochahan, District- Muzaffarpur (Bihar).
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirmal Kumar, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-12-2021 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 Mr.
Rajendra Prasad Nat, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail
in connection with Sakra P.S. Case No.187 of 2019 registered for
the offences punishable under Section 392 of the Indian Penal
Code.

Earlier the prayer for bail of the petitioner was rejected
by this court vide order dated 12.02.2021 with an observation in
the following words:-

“The petitioner has already remained in jail for about
one year and eight months by now, if the trial is not concluded
within a period of nine months from today, for no reason



attributable to the petitioner, he may renew his prayer for bail.”

Learned counsel for the petitioner submits that till date the trial has not begun and only police papers have been supplied. It is submitted that the petitioner has remained in custody in connection with this case since 11.07.2019, therefore, his further incarceration in jail in connection with this case is not likely to come in aid of investigation or help the prosecution in course of trial. The petitioner is ready to abide by such terms and conditions which may be imposed to secure his presence in course of trial.

Learned APP for the State has though opposed the prayer for bail of the petitioner, but considering that the petitioner was not arrested on the spot and further that there is no recovery of any incriminating article from his possession, though his prayer for bail was earlier rejected considering his criminal antecedents but at this stage this Court has been informed that the petitioner has been granted bail in all the cases except one, some of the bails have been granted by the learned court below whereas some of the bails have been granted by the learned coordinate Benches of this Court, and further considering that in connection with the present case petitioner has remained in custody for almost two and half years, this Court directs that the petitioner above named be released 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 A.C.J.M.-IX, East, Muzaffarpur in connection with Sakra P.S. Case No.187 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that while accepting the bail bond of the petitioner the court below shall verify the correctness of the statement made before this Court that in the present case till date the trial has not began and only after being satisfied with the same the bail bond shall be accepted.

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.

(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'.

