

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4220 of 2022

Arising Out of PS. Case No.-122 Year-2019 Thana- KARJA District- Muzaffarpur

VIKASH KUMAR S/o Lalan Mahto Resident of Village- Madhuban, P.S.-
Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha
For the Opposite Party/s : Mrs.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-03-2022 Heard Mr. Sanjay Kumar Sinha, learned counsel for
the petitioner and Mrs. Renuka Ratnakar, learned counsel for the
State.

This is 3rd attempt for bail on behalf of the petitioner in connection with Karja P.S. Case No. 122 of 2019 registered for the offence under Section 394 / 302 of the I.P.C. and Section 27 of the Arms Act inasmuch as earlier on two occasions the bail application of the petitioner was rejected by this Court by order dated 05.06.2020 and 07 / 04 / 2021 passed in Cr. Misc. No. 14400 of 2020 and Cr. Misc. No. 9966 of 2021 with liberty to the petitioner to renew his prayer for bail after nine months if the trial does not show any progress. The SLP (Crl.) No. 4041 of 2020 was also dismissed on 24 / 09 / 2020 by the Hon'ble Supreme Court.



The name of the petitioner has transpired on the basis of confessional statement of the co-accused /Anil Baitha.

Learned counsel for the petitioner submits that the bail application of the petitioner was rejected on merit vide order dated 05 - 06-2020 and 07-04-2021 and the petitioner is in custody since 09 / 12 / 2019 i.e. for more than 02 years 3 months. He further submits that trial has now begun and cognizance has been taken. He next submits that there is no likelihood that the petitioner will abscond or tamper with the evidence if released on bail by this court.

This court vide its order dated 02 / 02 / 2022 has called for a report regarding the progress of the trial and in pursuance thereof the report has been furnished by learned I/c J.M. 1st (West), Muzaffarpur vide letter no. 111 dated 25 / 02 / 2022 and from perusal of the same it appears that cognizance of the offence has been taken under Sections 394 & 302 of the IPC and police paper has been supplied and the case has been committed to the court of Session.

Regard being had to the submissions made by the parties, taking into consideration the period of custody i.e. since 09 / 12 / 2019 and this is 3rd attempt for grant of bail, as such, I am inclined to grant regular bail to the petitioner after **framing**



of charge.

Accordingly, let the petitioner, above named, be released on regular bail **after framing of charge** on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur in connection with Karja P.S. Case No. 122 of 2019 on the following condition:-

(a) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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