

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17086 of 2022

Arising Out of PS. Case No.-33 Year-2020 Thana- BALIYA District- Begusarai

NITISH KUMAR S/o Vinod Choudhary, Resident of Ward No. 20, Janipur
Nagar Panchayat Lakhminia, P.S.- Balia, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abul Kalam, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha,A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner shall remove all the defects pointed out by the stamp reporter within three weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Balia P.S. Case No.33/2020 (S.Tr.No.185 of 2021) registered for the offences under Sections 302/34 and 120-B of the Indian Penal Code. The petitioner has no criminal antecedent. He is in custody since 07.02.2020.

Earlier the prayer for bail of the petitioner was disposed of vide order dated 11.08.2021 passed in Cr.Misc.No.38963 of 2020 with a direction to the learned court below to expedite the trial.

Learned counsel for the petitioner submits that the



charge has already been framed in this case but till date no witness has been examined. Despite observation of this Court to conclude the trial preferably within a period of one year till date not a single prosecution witness has been examined and the trial is not likely to be concluded in near future.

Learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute the aforesaid submission.

Having regard to the facts and circumstance of the case wherein it is submitted that the charge has already been framed in this case but till date no witness has been examined, the petitioner is in custody since 07.02.2020 and despite observation of this Court to conclude the trial preferably within a period of one year, trial has not progressed, this Court directs the release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, NDPS Act, Begusarai, District-Begusarai in connection with Ballia P.S. Case No.33/2020 (S.Tr.No.185 of 2021), subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

Certified copy of the order will be made available only after removal of the defects.

(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'.

