

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28518 of 2022

Arising Out of PS. Case No.-266 Year-2018 Thana- CIVIL LINE District- Gaya

RAHUL KUMAR @ TIKRA Son of Prahlad Prasad Gupta @ Prahlad Prasad
Resident of Village - Dholakia Gali, P.s.- Kotwali, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Priya Ranjan

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-07-2022 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Civil Lines P.S. Case No. 266 of 2018, registered for the offence punishable under Sections 394 and 411 of the Indian Penal Code.

The petitioner's prayer for regular bail was twice rejected by this Court earlier considering the gravity of the offence and the incriminating materials collected by the police during the course of investigation. The petitioner has criminal antecedent, as is evident from the statement made in paragraph 3 of this application.

Learned counsel appearing on behalf of the petitioner has submitted that some other persons, whose names surfaced during the course of investigation, have been allowed regular



bail by this Court.

Further, while rejecting the prayer for bail by order dated 05.11.2020 passed in Cr. Misc. No. 22276 of 2020, this Court had observed that if there was no visible progress at the trial, the petitioner would be at liberty to renew his prayer for bail after six months. Accordingly, it is being submitted on behalf of the petitioner that since there is no visible progress at the trial, he deserves to be released on bail.

It is evident that earlier the petitioner's prayer for bail was rejected by order dated 05.11.2020 passed in Cr. Misc. No. 22276 of 2020, wherein observation was recorded that, in the event of no visible progress at the trial, the petitioner would be at liberty to renew his prayer for bail. He renewed his prayer for bail by filing Cr. Misc. No. 44621 of 2021, which came to be dismissed by an order dated 15.09.2021. While rejecting the petitioner's prayer for regular bail, the Court had noticed certain orders passed by this Court, whereby other co-accused persons had been allowed regular bail.

The order of this Court dated 05.11.2020 speaks for itself, wherein this Court, based on case diary, has considered the materials collected during the course of investigation, while rejecting the petitioner's prayer for bail.



Further, in compliance of this Court's order, a report has been submitted by the learned Judicial Magistrate 1st Class, Gaya, regarding stage of trial in connection with the concerned Civil Lines P.S. Case No. 266 of 2018. From the said report, it transpires that charge has been framed and the case is pending for prosecution evidence.

In such view of the matter, I am not inclined to reconsider the petitioner's prayer for regular bail. This application is accordingly dismissed.

The petitioner shall, however, be at liberty to renew his prayer for bail after six months, if prosecution witnesses are not examined, in the meanwhile.

(Chakradhari Sharan Singh, J)

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