

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29146 of 2022

Arising Out of PS. Case No.-610 Year-2020 Thana- KUDHNI District- Muzaffarpur

Rakesh Kumar Giri, S/o Late Lal Babu Giri, R/o Village- Manikpur, P.S.-
Baniyapur, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddiin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-11-2022 Learned counsel for the petitioner undertakes to
remove all the defects 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 Kudhani P.S. Case No.610/2020
registered for the offences under Sections 302/201/120B/34 of
the Indian Penal Code and Section 27 of the Arms Act.
Petitioner is in custody since 18.09.2020. He has no criminal
antecedent.

Learned counsel for the petitioner submits that earlier
this Court had rejected the prayer for bail of the petitioner
considering the circumstantial materials brought before the
Court. It is submitted that the co-accused Brajesh Kumar Singh



from whose house the vehicle in question has been seized, has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.17715 of 2021. It is submitted that so far as this petitioner is concerned, his name has transpired in the confessional statement of the co-accused which was extracted in police custody.

Learned counsel has produced a certified copy of the order dated 30.09.2022 of the learned court below to submit that the case is fixed for supply of police papers. It is, thus, his submission that the charge has not yet been framed in this case 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 considering that the co-accused from whose house the vehicle in question was seized has been granted bail and the petitioner has remained in custody for over two years but the case has not progressed and it is still pending for supply of police papers, 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 J.M.-1st Class, Muzaffarpur in connection with Kudhani P.S. Case No.610 of 2020, 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.

The 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'.

