

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61108 of 2021

Arising Out of PS. Case No.-234 Year-2016 Thana- RAJGIR District- Nalanda

Vikram Kumar, male, aged about 29 years, S/O Sri Kant Prasad R/O Village-
Sardar Bigha, P.S.-Noorsarai, District- Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar
2. Bindeshwari Prasad, male, aged about 48 years, S/O Late Raghu Mahto R/O
Village- Hasni, P. S.- Chandi, District- Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Sudish Kumar, Adv.

For the Opposite Parties : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 02-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Rajgir PS Case No. 234 of
2016 instituted for the offence under Sections 498(A), 323, 324,
326 and 307 of the Indian Penal Code.

The informant has alleged that his daughter has been
taken to solitary place by the petitioner (husband) and assaulted
by knife.



Earlier, the prayer for bail of the petitioner was rejected by this Court vide order dated 16-03-2021 passed in Cr. Misc. No. 39338 of 2020 (Annexure-1). Today, when the petitioner has renewed his prayer for bail, he has already remained in custody now for more than two years.

Earlier, this Court had requisitioned for a report from the learned Trial Court regarding the current stage of trial.

In compliance of this Court's order, report dated 25-10-2022 has been received, which states that after framing of charge on 17-02-2021, none of the charge- sheeted or non-official witnesses have appeared and the matter is pending for evidence for one year even after framing of charge.

Under such circumstance, having regard to the period of custody and the fact that none is appearing at the trial to support the allegation, this Court is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge, Nalanda, Bihar Sharif, in connection with Rajgir PS Case No. 234 of 2016, Sessions Trial No. 54 of 2021, subject to the



following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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