

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65031 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- SHANKARPUR District- Madhepura

PRINCE KUMAR S/O PRAMOD YADAV R/o village- Kajra, P.S.-
Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-01-2022 Heard the parties through virtual court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Section 394 of the IPC.

Earlier, the prayer for bail of the petitioner was rejected on merit vide order dated 09.12.2020 passed in Cr. Misc. No.24471 of 2020. Thereafter, the petitioner has filed the present bail application, in which, vide order dated 08.12.2021, this court has called for a report regarding the stage of the trial.

In compliance thereof, a report sent by learned Judicial Magistrate, 1st Class, Madhepura, dated 16.12.2021 is kept at flag 'X', whereby it is submitted that out of nine chargesheeted witnesses, two witnesses have been examined and if the informant and other witnesses deposed their evidence, the case is likely to be disposed of within three months.



It is submitted by learned counsel for the petitioner that petitioner is in custody since 13.05.2020 and has one criminal antecedent. Petitioner is not named in the FIR and till date no T.I. Parade has been held. No incriminating article has been recovered from the conscious physical possession of the petitioner. It is further contended that there is no chance of early hearing of this case in near future due to the prevailing situation of COVID-19, as such petitioner may be enlarged on bail.

Considering the facts and circumstances of the case and the submissions made in the report, I find that there is no likelihood of disposal of the case within three months due to the prevailing COVID-19 situation and the petitioner is in custody since more than one and half year, as such, I am inclined to enlarge the petitioner on bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Shankarpur P.S. Case No.53 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is



relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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