

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.727 of 2022

Arising Out of PS. Case No.-402 Year-2018 Thana- SONEPUR District- Saran

Santosh Kumar Son of Birendra Singh Resident of Village-Rahimpur, P.S.-
Bidupur, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter
within two weeks from today.

Heard learned counsel for the petitioner and Mr.
Shantanu Kumar, learned APP for the State.

This is the fourth attempt of the petitioner to obtain
bail in connection with Sonepur P.S. Case No. 402 of 2018
registered for the offences punishable under Sections 364/34 of
the Indian Penal Code. He is in custody since 09.05.2018. He
has no criminal antecedent.

Learned counsel for the petitioner submits that on the
last occasion when the prayer for bail of the petitioner was
rejected on 07.09.2020, this Court had directed the learned court
below to expedite the trial and to complete the same preferably
within a period of 9 months after start of normal functioning of



the court. It is submitted that till date the trial has not been concluded and the petitioner has remained in custody for more than 4 years by now.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that earlier considering that the victim boy had identified the petitioner, this Court had rejected the prayer for bail of the petitioner.

This Court had called for a report from the learned trial court which has been received vide Letter No. 57 dated 23.02.2022. The learned trial court has informed that the case is at the stage of prosecution evidence and no witness was examined till that day. The trial court expected to dispose of the trial within six months.

This Court finds that even the six months' period is likely to expire within two days from today.

Considering the entirety of the facts and circumstances of the case wherein the petitioner has remained in custody for more than 4 years and despite several indulgence granted to the prosecution, the witnesses have not been produced and the trial has prolonged over years, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand only) with two sureties of the like amount each to the satisfaction of learned ADJ 12th, Saran at Chapra in connection with Sonapur P.S. Case No. 402 of 2018, subject to the condition 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 steps 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 application stands allowed.

Certified copy of this order shall be provided only after removal of all 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'.

