

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4839 of 2023

Arising Out of PS. Case No.-441 Year-2019 Thana- GORAUL District- Vaishali

Mintu Rai @ Praveen Kumar @ Pravin Kumar Son Of Late Satyanarayan Rai
R/O Village- Mansurpur Halaiya, P.S.- Goraul (KATAHARA OP), District-
Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinay Ranjan, Advocate
For the Opposite Party/s	:	Mr.Rajendra Singh, APP
For the Informant	:	Mr. Manish Chandra Gandhi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-12-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. By filing this application, the petitioner has renewed his prayer for bail in connection with Goraul (Katahara O.P.) P.S. Case No.441 of 2019 registered for the offences punishable under Sections 147, 341, 323, 324, 307, 354, 379, 504, 506 and 148 of the Indian Penal Code. He has been convicted in two cases as per the statement made in paragraph '3' of this application.

3. Learned counsel for the petitioner submits that earlier the prayer for regular bail of the petitioner was rejected by this Court vide order dated 05.05.2022 when it was noticed that in paragraph '3' of the petition an attempt had been made to suppress a material fact that the petitioner was a convict in a criminal case. Learned counsel submits that in connection with the present case

the petitioner is in judicial custody since 06.09.2021 but for more than two years three months the records have not been committed to the trial court and there is no chance of hearing of the matter in near future.

4. Learned counsel further submits that this Court has noticed in its earlier order that one of the co-accused Shambhu Ray against whom there is a specific allegation of causing assault has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court. It is submitted that in a case of the present nature where the trial is not likely to be concluded in near future, the petitioner deserves privilege of bail.

5. The prayer for bail has been opposed by learned counsel for the informant and learned APP for the State. It is submitted that the fact that the petitioner has been earlier granted benefit of Probation of Offenders Act but he has again indulged in commission of an offence would be a reason to take a view that the petitioner has become a habitual offender.

6. Having regard to the facts and circumstances of the case, the nature of dispute between the parties and the fact that the petitioner is in custody for more than two years three months by now but till date the records have not been committed to the learned trial court and there is no chance of conclusion of trial in near future and there is no submission on behalf of the State or the

informant that in course of trial the presence of the petitioner cannot be secured in accordance with law, 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 Additional Chief Judicial Magistrate, Vaishali, Hajipur in connection with Goraul (Katahara O.P.) P.S. Case No.441 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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