

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6185 of 2023

Arising Out of PS. Case No.-166 Year-2018 Thana- RUPASPUR District- Patna

RAKESH KUMAR Son of Late Ramji Prasad R/V- Badiha, P.S- Nagar Nausha, Dist- Nalanda at present residing at 1400, 15 BA Pachhmi Laxminagar Khemnichak, P.S- Ramkrishna Nagar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 12.12.2019 in connection with Sessions Trial No. 473 of 2021, arising out of Rupaspur P.S. Case No. 166 of 2018, F.I.R. dated 26.04.2018 for the offences punishable under Section 302 of the Indian Penal Code.

According to prosecution case, the informant in his written report has alleged that on 26.04.2018 at about 7:30 when he was on patrolling duty, he received information that on Jalalpur Canal and in between house of Arun Manjhi and Railway Line a dead body is lying. After receiving such information when he reached the aforesaid place, he found the dead body of old man aged about 50 years lying in the field



whose face was crushed badly and blood was oozing out. He tried to ascertain the identity of deceased but he got no information.

This is third attempt, this bail application has been filed for grant of regular bail by the petitioner. Earlier, the bail application of the petitioner was rejected twice, vide order dated 06.04.2021 passed in Cr. Misc. No. 17994 of 2020 and order dated 12.01.2022 passed in Cr. Misc. No. 61917 of 2021.

Learned counsel for the petitioner submits that in the order dated 06.04.2021, it was mentioned that the petitioner would be at liberty to renew his prayer for bail after framing of charge. He further submits that the charge has been framed against the petitioner on 14.09.2021 and the petitioner is in custody since 12.12.2019.

Vide order dated 08.05.2023 a report was called for with regard to the present stage of trial. Report dated 12.05.2023 of the learned trial court reveals that at present the case is fixed for prosecution evidence.

Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and the petitioner is in custody since 12.12.2019.



Considering the aforesaid facts and circumstances and period of custody, 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 Additional Sessions Judge-V, Danapur in connection with Sessions Trial No. 473 of 2021, arising out of Rupaspur P.S. Case No. 166 of 2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

