

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16744 of 2023

Arising Out of PS. Case No.-50 Year-2011 Thana- BYPASS District- Patna

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PUNIT BIND S/O LATE MANGAL BIND Resident of Village- Bhergawan,
P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kritu Verma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 11.05.2018 in connection with S.Tr.No. 581 of 2019 arising out of By-pass P.S. Case No. 50 of 2011, F.I.R. dated 14.05.2011 registered for the offence punishable under Sections 457, 376, 380, 323, 34 of IPC.

3. The present case has been instituted against unknown persons relating to sexual assault and commission of theft etc.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has been transpired during investigation on the basis



of the confessional statement of co-accused person, namely, Randhir Ram. Further submits that except confessional statement of co-accused person, namely, Randhir Ram, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and co-accused person, namely, Sudhir Bind, his name has also been transpired on the basis of the co-accused person, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 12.10.2012 passed in Cr. Misc. No.35363 of 2012 and other co-accused person, namely, Brijan Bind has also been granted bail by the learned A.D.J.-1st, Patna vide order dated 28.06.2013 passed in B.P.No.2347 of 2013.

5. Vide order dated 04.07.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 04.08.2023 reveals that the case is pending for the prosecution evidence and out of seven chargesheet witnesses, only one witness has been examined.

6. Learned counsel for the petitioner has referred the aforesaid report and submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 11.05.2018 i.e. more than five years.



7. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in two cases and in rest one case, the petitioner has been acquitted, as mentioned in para-3 of the bail petition.

8. Considering the aforesaid facts, co-accused persons have been granted bail, report of the learned Trial Court and the 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 learned Additional District Judge-IV, Patna City, Patna, in connection with S.Tr.No. 581 of 2019 arising out of By-pass P.S. Case No. 50 of 2011, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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)

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