

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22144 of 2023**

Arising Out of PS. Case No.-86 Year-2020 Thana- PHULWARIA District- Begusarai

Vinit Kumar @ Binit Kumar @ Veenit Kumar @ Vinit Kumari Son of Vijay Kumar @ Vijay Kunwar Resident of village-Garhara, Police Station-Barauni, District-Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 22-12-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner in the present case has renewed prayer for regular bail in connection with Sessions Trial No. 548 of 2021 arising out of Phulwariya P.S. Case No. 86 of 2020 registered for the offences punishable under Sections 302, 363, 201 and 34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 04.01.2021. The petitioner has got two criminal antecedents and is on bail in both cases.

3. As per the allegations, the informant received a call from one mobile number which belonged to this petitioner. It is alleged that one Raja who is the co-accused in this case and is still absconding had made a call from the mobile of this petitioner and at his request, the vehicle along with driver was



provided by the petitioner, later on the vehicle was taken away after killing the driver.

4. Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected vide order dated 25.04.2022 passed in Cr. Misc. No. 45693 of 2021 with an observation that if the trial remains unconcluded for a period of nine months from the date of receipt/production of a copy of the order, the petitioner may renew his prayer for bail.

5. Learned counsel for the petitioner submits that the petitioner is in custody in connection with this case since 04.01.2021 but till date not a single witness has been examined and the trial is not likely to be concluded in near future. He has got two criminal antecedents but in those two cases he is on bail.

6. Learned counsel submits that considering the nature of allegation against the petitioner, this Court had observed earlier giving him liberty to apply for bail after nine months if the trial is not concluded for no reason attributable to him.

7. Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the nature of allegations against the petitioner, observation of this Court in earlier order, period of custody of the petitioner and that the trial of the case has yet not begun, this Court directs that the petitioner above named be released 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 District and Sessions Judge-11, Begusarai in connection with Sessions Trial No. 548 of 2021 arising out of Phulwariya P.S. Case No. 86 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

8. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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