

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22026 of 2023

Arising Out of PS. Case No.-332 Year-2020 Thana- KUDHNI District- Muzaffarpur

Vipin Kumar S/O Late Shiv Shankar Chaudhary, R/O Village- Kharauna Dih,
P.S- Kudhani, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Ravi Ranjan, Advocate
For the Opposite Party/s :	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-05-2023 Heard Mr. Krishna Prasad Singh, learned Senior Counsel assisted by Mr. Ravi Ranjan, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 75 of 2022, arising out of Kudhani P.S. Case No. 332 of 2020, for the offence punishable under Sections 414/34 of the Indian Penal Code, Section 25(1-b)a, 25(1-A), 25(1-AA), 26(2) and 35 of the Arms Act and Section 3, 5 and 6 of the Explosive Substances Act.

3. Learned counsel appearing on behalf of the petitioner submits that the prayer for bail of the petitioner has been rejected by this Court on 12.04.2022 passed in Criminal Miscellaneous No. 40308 of 2021 with direction to the learned



Court below to conclude the trial expeditiously, but no substantial progress took place in the conduct of the trial. The F.I.R. was registered on 06.06.2020 and the petitioner was arrested on the same day as on date only one prosecution witness has been examined and the said witness has only partially been examined. The report also confirms the said fact, which has been submitted before this court by I/c 20th Addl. District & Sessions Judge, Muzaffarpur. He further submitted that similarly situated co-accused Raushan Kumar has already been released on bail by a co-ordinate Bench of this Court on 16.02.2023 passed in Criminal Miscellaneous No. 67730 of 2021. The petitioner is in custody since 08.06.2020.

4. Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

5. Considering the aforementioned facts and circumstances of the case as well as the period of custody and the report of the learned 20th Addl. District & Sessions Judge, Muzaffarpur, it appears that trial of the petitioner is not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. Two Lakh with two sureties of the like amount each to the satisfaction of the learned District & Sessions Judge-20,



Muzaffarpur, in connection with S. Trial No. 75 of 2022, arising out of Kudhni P.S. Case No. 332 of 2020. One of the bailor shall be the close relative of the petitioner as well as subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is



located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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