

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30561 of 2023

Arising Out of PS. Case No.-644 Year-2016 Thana- BIHTA District- Patna

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Bittu Kumar Son Of Ravindra Prasad Resident of village - Jamsaut, P.S. -
Shahpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-05-2023 Heard Mr. Madhukar Anand, learned counsel for the

petitioner and learned APP for the State.

This is the second attempt made by the petitioner,
renewing his prayer for bail in connection with Sessions Trial
No.470 of 2022 arising out of Bihta P.S. Case No. 644 of 2016,
registered for the offences punishable under Section 365 of the
Indian Penal Code.

Earlier the prayer for bail for the petitioner was turned
down vide order dated 17.05.2022 in Cr. Misc. No.58014 of
2021 after taking into consideration the statement of the victim
recorded under Section 164 of the Cr.P.C. However, while
rejecting the prayer for bail liberty was granted to the petitioner
to renew his prayer for bail after nine months, if the trial was not
concluded.



Submission has been made on behalf of the petitioner that even after a year, there is no substantive progress in the trial and till date the trial has not been concluded. He next submits that the petitioner is languishing in custody since 30.07.2021, apart from the fact that one of the accused, namely, Om Prakash @ Om Prakash Kumar, who is also named in the FIR has been allowed privilege of anticipatory bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 15508 of 2022 vide order dated 20.09.2022.

On the other hand, learned counsel for the State has opposed the bail application and submits that there is no overwhelming circumstance warranting the re-consideration of the prayer for bail to the petitioner. Inasmuch as the victim in his statement recorded under Section 164 of Cr.P.C. has categorically stated that the petitioner has actively participated in his abduction.

Regard being had to the submissions made on behalf of the parties and considering the observation made by this Court, coupled with the fact that trial has not been concluded till date and there is no likelihood of its conclusion in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two



sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Danapur in connection with Sessions Trial No.470 of 2022 arising out of Bihta P.S. Case No. 644 of 2016, subject to the condition that the petitioner will remain present on each and every date of the trial till its conclusion and his absence for two consecutive dates shall entail in cancellation of his bail bonds along with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) One of the bailors will be the close relatives of the petitioner.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(Harish Kumar, J)

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