

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28817 of 2023

Arising Out of PS. Case No.-2 Year-2021 Thana- RAMPUR District- Gaya

PRADUMAN KUMAR @ RAHUL KUMAR S/O LATE SARJU PASWAN
@ LATE SARYU PASWAN R/O Behind Mukheya Lodge, Neema Road, Bi-
noba nagar (Vinowa Nagar), Chandauti, P.S- Magadh Medical College Hos-
pital, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31037 of 2023

Arising Out of PS. Case No.-2 Year-2021 Thana- RAMPUR District- Gaya

SANDEEP KUMAR @ SUNNY YADAV @ SANDEEP KUMAR SUNNY
Son of Acharaj Gop Resident of Moh-Dindayal Nagar, Neema, P.S.-Magadh
Medical, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28817 of 2023)

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

(In CRIMINAL MISCELLANEOUS No. 31037 of 2023)

For the Petitioner/s : Mr.Abhay Kumar Thakur

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-06-2023 Heard the parties.

Since both the aforesaid bail applications arise out
of the same FIR i.e. Rampur PS Case No. 02 of 2021 regis-
tered for the offence under Section 302 of the IPC, as such,
both are taken up together and are being disposed of by this



common order.

Petitioners renew their prayer for regular bail in connection with Sessions Trial No. 73 of 2022 / 81 of 2022 (S.J.) in 1st case and S.Tr. No. 81 / 2022 / 61 of 2023 in 2nd case respectively arising out of Rampur PS Case No. 02 of 2021 dated 01.01.2021 registered under Section 302 of the IPC inasmuch earlier bail application of the petitioner / Praduman Kumar @ Rahul Kumar was rejected vide Cr. Misc. No. 31886 of 2021 by order dated 31.03.2022 and that of the petitioner- Sandeep Kumar @ Sunny Yadav @ Sandeep Kumar Sunny was rejected vide Cr. Misc. No. 42357 / 2021 by order dated : 21.04.2022.

As per the prosecution story a dead body was found by the Police behind the Police line and during course of enquiry the dead body was identified that of one Ravikant Kumar, S/o Basant Prasad. The name of the petitioners transpired in this case during course of investigation on the basis of confessional statement recorded by the Police of Sandeep Kumar Soni and recovery of stone / weapon of crime having blood stain mark and multiple injuries found during the post mortem examination.



Learned counsel for the petitioners submits that while rejecting bail application of the petitioners this Court had directed for expediting the trial but the trial has not progressed substantially and out of twelve charge sheeted witnesses, only one prosecution witness has been examined by the prosecution on 15.10.2022 and thereafter no witness has been produced by the prosecution before the trial court. The petitioners are in custody since 08.01.2021 i.e. for about more than two years and five months.

Regard being had to the submission made by the parties, taking into consideration the fact that this is second attempt for bail on behalf of the petitioners, they are in custody for more than two year five months and the trial has not progressed substantially from the date of rejection of bail application of the petitioners earlier, as such, I am inclined to grant regular bail to the petitioners.

Let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 20000 /- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – XV, Gaya in connection with Sessions Trial No. 73



of 2022 / 81 of 2022 (S.J.) arising out of Rampur PS Case No. 02 of 2021 in 1st case and to the satisfaction of ADJ Vth, Gaya in connection with Rampur PS Case No. 02 of 2021 corresponding to S.Tr. No. 81 / 2022 / 61 of 2023 in 2nd case on the condition that the petitioners shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates their bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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