

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28163 of 2022

Arising Out of PS. Case No.-454 Year-2012 Thana- BIHTA District- Patna

ANUJ KUMAR Son of Late Abhimanyu Prasad Resident of Village - Maulla,
P.S. - Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 16-02-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Earlier the prayer for bail of the petitioner was refused vide order dated 16.03.2021 passed in Cr. Misc. No.36719 of 2020 with liberty to the petitioner that “*if the trial is not concluded within one year, the petitioner, if so advised, may renew his prayer for bail*”.

Pursuant to the aforesaid liberty, the petitioner has filed the present bail petition.

The petitioner seeks bail in a case registered for the offence under Sections 341, 323, 326, 307, 504, 379 of the IPC



and u/s 27 of the Arms Act. Later on Section 302/34 of the IPC was added.

Learned counsel for the petitioner further submits that vide order dated 12.07.2022 a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 19.07.2022 reveals that the case is pending for prosecution witnesses and till date no any witness has been examined. Thereafter vide order dated 16.01.2023 a report was called for the current status with respect to the stage of the trial. Report dated 21.01.2023 reveals that the case is pending for the prosecution evidence.

Learned counsel for the petitioner submits that in view of the aforesaid, it appears that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 11.05.2018.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner. Further submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and 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 court below where the case is pending in connection with Bihta P.S. case No.454/2012 with the following conditions:-

(1) 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.

(2) 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.

(3) 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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