

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45304 of 2023

Arising Out of PS. Case No.-401 Year-2021 Thana- BODHGAYA District- Gaya

VIKASH RAJ S/O KRISHNA PRASAD R/O Mohalla- Saxena More, Route
Institute Bodh Gaya, PS. Bodh Gaya, Dist. Gaya (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujit Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Both
Gaya P.S. Case No.401/2021 registered for the offences
punishable under Sections 414, 467, 468, 471 and 420 of the
Indian Penal Code.

3. As per prosecution case, petitioner was caught read
handed with a stolen car which was driven by him.

4. Learned counsel for the petitioner submits that the
petitioner is in custody since 16.10.2021 and bears criminal
antecedent of three cases and in all cases he is on bail. He further
submits that petitioner has no concern with the alleged seized
vehicle. He further submits that the petitioner is quite innocent
and falsely implicated in the case. He further submits that on
18.10.2022 the bail of the present petitioner has already been



rejected by this Court vide Cr. Misc. No.71382/2021 with an observation that if the trial is not concluded within six months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail. He further submits that since the date of rejection of the bail petition of the petitioner, six months have already been lapsed but there is no substantial progress in the trial. He further submits that delay of trial is not attributable to the present petitioner as he is in custody since 16.10.2021.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction the trial court vide letter no.145/2012 has sent its report which reveals that currently the case record is at the stage of prosecution evidence. It further reveals that not a single witness has been examined.

7. Considering the aforesaid facts and circumstances of the case, period of custody is one and half year, trial is not concluded within six months and delay of trial is not attributable



to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya in connection with Bodh Gaya P.S. Case No. 401/2021, Corresponding to G.R. No. 5171/2021, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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