

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44233 of 2023

Arising Out of PS. Case No.-466 Year-2020 Thana- GARKHA District- Saran

VIVEK KUMAR SON OF RAMJI RAY RESIDENT OF VILLAGE-
KOTHIYA PRAY RAY KA TOLA, PS- AWATARNAGAR, DISTRICT-
SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 22-09-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code.
3. This is the third attempt of the petitioner to seek regular
bail.
4. It is submitted that the petitioner had moved earlier
before this Court seeking regular bail by filing Cr. Misc. No.
54574 of 2021 but the same was rejected by a detailed order
dated 16.02.2022, thereafter, the petitioner again moved this
Court by filing Cr. Misc. No. 45386 of 2022 but the same was
again rejected by an order dated 31.08.2022.



5. This is the third attempt of the petitioner to seek bail.

6. By order dated 25.08.2023, a report was called from the Court of learned 11th Addl. Sessions Judge, Saran at Chapra with regard to the stage of trial in connection with Session Tr. No. 466 of 2021 arising out of Garkha P.S. Case No. 466 of 2020.

7. A report dated 15.09.2023 has been received from the learned Trial Court contained in Letter No. 366 and from perusal of the same, it would manifest that the case is pending for evidence and despite N.B.W. being issued against the witnesses, none have turned up though prosecution has been directed to produce the witnesses.

8. Learned counsel for the petitioner submits that the petitioner is in custody since 20.09.2020 and the witnesses are only trying to delay the trial, it is further submitted that if the petitioner is released on bail, he will not abscond, rather, will cooperate in the trial.

9. Learned A.P.P. for the State opposes the regular bail application of the petitioner.

10. Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, 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 the learned court below where the case is pending/successor court in connection with Garkha P.S. Case No. 466 of 2020.

11. However, it is made clear that in the event if the learned Trial Court comes to a conclusion that the petitioner, after his release, is trying to delay the trial in any manner, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons and to take all coercive steps to ensure that the petitioner is behind the bars.

(Satyavrat Verma, J)

HarshPandey/-

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