

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42770 of 2023

Arising Out of PS. Case No.-328 Year-2021 Thana- PARSABAZAR District- Patna

VICKY KUMAR SON OF SURYAVANSH SINGH VILLAGE KOLI P S
GAURICHAK DISTRICT PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
	:	Mr. Saket Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.3., APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 01-09-2023 1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. Petitioner seeks regular bail in connection with Parsa Bazar P.S. Case No.328 of 2021 dated 26.08.2021 registered for the offence/s punishable under Section/s 302/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. This is second attempt of the petitioner for the relief of regular bail after his earlier attempt for the same relief was rejected by this Court vide order dated 28.02.2023 passed in Cr. Misc. No.61056 of 2022 preferred by this petitioner.
4. The main submissions advanced by the learned senior counsel for the petitioner are that the petitioner



has been languishing in jail since 02.11.2021 and no significant progress has taken place in his trial despite his long judicial custody period and the petitioner himself is victim in this case and the alleged motorcycle is not registered in his name nor the recovered fire-arm has any connection with the alleged bullets recovered from the body of the deceased and as per the allegation, the petitioner and co-accused were arrested by the police along with fire-arm and narcotic material suspected to be *Ganja* in connection with Parsa Bazar P.S. Case No.339 of 2021 but the said seized materials did not have any connection to the alleged incident of the present matter. It is further submitted that though against the petitioner there are criminal antecedents of four cases but he has got bail in all the said cases.

5. Learned APP appearing for the State opposes the bail prayer.

6. Heard both the sides. Though, the instant matter relates to the serious allegations made against the petitioner, but considering his custody period and also the report of the trial Court which goes to show that upon the petitioner charge was framed on 13.04.2023 and thereafter the trial Court issued processes to get the appearance of the prosecution witnesses but despite that no witness has appeared which shows



the lingering attitude of the prosecution, hence in the light of these circumstances, in my opinion now the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named- above be released on bail in connection with Parsa Bazar P.S. Case No.328 of 2021 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned

(Shailendra Singh, J)

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