

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43486 of 2022

Arising Out of PS. Case No.-130 Year-2020 Thana- IMAMGANJ District- Gaya

Akhilesh Kumar S/o Bindu Yadav R/o village- Bhidaha Kujeswar, P.S.-
Imamganj, District- Gaya (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case has renewed his prayer for regular bail in connection with Imamganj P.S. Case No. 130 of 2020 registered for the offences punishable under Section 304 B of the Indian Penal Code. He is in custody since 07.09.2020. He has got no criminal antecedent.

Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 25.08.2021 passed in Cr. Misc. No. 12819 of 2021.

Learned counsel for the petitioner submits that the petitioner has remained in custody for over two and half years and the prosecution has not examined its witnesses which would be further evident from the report of the learned trial court saying that the case is fixed for the evidence of I.O.



This Court has perused the report of the learned trial court. It appears that the case is fixed for the evidence of I.O. and the trial court expects conclusion of trial within six months.

Considering the aforesaid report of the learned trial court, this Court is not inclined to direct release of the petitioner on bail at this stage, however, in case the prosecution fails to cooperate by producing its' witnesses and for that reason the trial remains unconcluded within a period of six months from the date of receipt/communication of a copy of this order, the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Gaya in connection with Imamganj P.S. Case No. 130 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

Let this order be communicated to the Senior



Superintendent of Police, Gaya and the Public Prosecutor to ensure that the prosecution witnesses must be produced on the dates fixed in the matter. The trial court shall keep the records on shorter dates so that all the witnesses may be examined within the aforesaid period.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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