

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48198 of 2023**

Arising Out of PS. Case No.-114 Year-2021 Thana- PHULWARIA District- Begusarai

SACHIN KUMAR Son of late Vijay Shankar Singh Village- Garhara Ps-
Barauni Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv.

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 4 22-09-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 20.09.2021 seeks bail, in connection with S.T. No.150/2022, arising out of Fulwaria P.S. Case No.114/2021, dated 19.07.2021, for the offences punishable under Sections 366 of the IPC but cognizance has been taken under Sections 366, 376 IPC.
3. According to prosecution case, the daughter of the informant is said to have been abducted and she has been subjected to physical and mental abuse and assault by the petitioner.
4. Earlier the bail petition of the petitioner was rejected vide order dated 19.09.2022 passed in Cr. Misc. No.



18982/2022. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that after rejection of the bail of the petitioner, there is no progress in the trial.

5. Vide order dated 01.09.2023, a report was called for from the learned trial court regarding the present stage of the trial. Report dated 01.09.2023 of the learned trial court reveals that charge has been framed against the petitioner on 06.04.2022 and out of six charge sheeted witnesses, none of the prosecution witnesses have been examined as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be concluded in near future and the petitioner is in custody since 20.09.2021 i.e. for more than two years.

8. Considering the aforesaid facts and report of the learned trial court as well as 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 the learned 1st Additional Sessions Judge, Begusarai in connection with S.T. No.150/2022, arising out of Fulwaria P.S. Case No.114/2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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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