

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52578 of 2022

Arising Out of PS. Case No.-209 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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NILESH KUMAR S/o Kailash Bhagat Resident of Village- Balkrishnpur
Marwa, P.S.- Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Kumar, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with S.T. No. 203 of 2021 arising out of Vidyapati Nagar P.S. Case No. 209 of 2020 registered for the offences punishable under Sections 392, 411 of the Indian Penal Code. The petitioner is in custody since 18.1.2021. He has got four criminal antecedents and in all the four cases, he is on bail as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that earlier while rejecting the prayer for bail of the petitioner on 25.10.2021 in Cr. Misc. No. 27748 of 2021, this Court had observed that in case the trial is not concluded within a period of



nine months for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

Learned counsel further submits that in this case till date not a single witness has been examined after framing of charge.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that in this case till date not a single witness has been examined after framing of charge, the petitioner has remained in custody since 18.1.2021 and this court had granted liberty to the petitioner to renew his prayer for bail if the trial is not concluded within a period of nine months from the date of communication of the order passed in Cr. Misc. No. 27748 of 2021, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J., Dalsinghsarai at Samastipur in connection with S.T. No. 203 of 2021 arising out of Vidyapati Nagar P.S. Case No. 209 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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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