

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64300 of 2022

Arising Out of PS. Case No.-573 Year-2019 Thana- SHERGHATI District- Gaya

Vikrant Kumar @ Vicky @ Vicky Kumar, S/o Bhawani Seth, R/o Village-
Tandwa, P.S.- Tandwa, District- Aurangabad, Bihar. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate
For the Opposite Party : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-10-2023 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

2. The petitioner in the present case has renewed his prayer for regular bail in connection with Sherghati (Dobhi) P.S. Case No. 573 of 2019 registered for the offences punishable under Sections 306, 34 of the Indian Penal Code. The petitioner is in custody since 05.03.2020. He has one criminal antecedent.

3. Earlier, the prayer for regular bail of the petitioner was rejected by this Court after noticing the kind of allegations made against him.

4. Learned counsel for the petitioner submits that while rejecting the prayer for bail of the petitioner on earlier occasion vide order dated 10.12.2020 in Cr. Misc. No. 26249 of 2020, this Court has taken note of the allegation that this petitioner had committed rape on the deceased for which a separate case under Section 376, 120B, 34 of the Indian Penal Code had been lodged.



It is stated that the said case in which the petitioner was facing trial under Sections 376, 120B, 34 of the Indian Penal Code, the petitioner has been acquitted by the learned Additional Sessions Judge, X, Gaya in Sessions Trial No. 254 of 2020. Learned counsel submits that PW-1 and PW-2 who were the parents of the deceased have not come forward to support the case of the prosecution. A copy of the judgment of the learned trial court has been brought on record as Annexure '4 Series' with the supplementary affidavit.

5. Learned counsel, therefore, submits that now the seriousness of the allegation which was noticed by this Court earlier has gone and the case of the petitioner deserves to be considered for grant of regular bail. He has remained in custody since 05.03.2020.

6. Learned APP for the State does not dispute that in the main case in which there was an allegation that this petitioner had committed rape on the deceased, he has already been acquitted and the prosecution is unable to bring any evidence against the petitioner.

7. Having regard to the facts and circumstances of the case, the developments which have been taken note of hereinabove and the fact that the petitioner has already remained in custody in connection with this case for more than three and



half years by now, however, the trial has not yet been concluded and this Court has been given to understand that the trial is not likely to be concluded in near future, this Court directs that the petitioner above named be released 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.C.J.M., Sherghati, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 573 of 2019, subject to the condition as laid down under Section 437(3) Cr.P.C.

8. 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.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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