

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64884 of 2022**

Arising Out of PS. Case No.-173 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

NIKKU SINGH @ NIKKU PATEL S/O MUN SINGH @ MUNNA SINGH
@ VINOD SINGH Resident of Village- Sherpur, P.S.- Chainpur, District-
Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 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 Sessions Trial No.369 of 2022 arising out of Chainpur P.S. Case No.173 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 326, 307, 379, 504 and 506 of the Indian Penal Code. The petitioner is in custody since 04.12.2020. He has got no criminal antecedent.

Learned counsel for the petitioner submits that earlier while rejecting the prayer for bail of the petitioner on 06.10.2021 in Cr. Misc. No. 18004 of 2021, this Court had observed that in case the trial is not concluded within a period of



one year for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

Learned counsel further submits that till date not a single prosecution witness has turned up in course of trial.

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

Having regard to the submission that the petitioner is in custody since 04.12.2020 and despite the observations of this Court contained in its order dated 06.10.2021 passed in Cr.Misc.No.18004 of 2021 no prosecution witness has turned up in course of trial, 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 Sessions Judge, Kaimur at Bhabua in connection with Sessions Trial No.369 of 2022 arising out of Chainpur P.S. Case No.173 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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