

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21863 of 2024

Arising Out of PS. Case No.-97 Year-2021 Thana- SARMERA District- Nalanda

Rakesh Kumar @ Rakesh Prasad S/o Late Nageshwar Prasad R/o Vill -
Khidarchak, P.S. - Rahui (Bhagan Bigha), Dist. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the state

2. The instant application for regular bail has been filed by the petitioner in connection with S.Tr. No. 740 of 2022 arising out of Sarmera P.S. Case No. 97 of 2021 instituted for the offence u/s 392 of the Indian Penal Code.

3. Earlier the application for regular bail of the petitioner was dismissed as withdrawn vide order dated 19.05.2023 passed in Cr. Misc. No. 12643 of 2023 with direction to the learned trial Court to conclude the trial within the stipulated period of time and vide order dated 13.10.2023 passed in Cr. Misc. No. 54853 of 2023 application for regular bail of the petitioner was rejected with liberty to renew his prayer for bail, if the trial is not concluded within four months.



4. It is submitted on behalf of the petitioner that the trial has not been concluded till now and on 15.06.2024 one co-accused Ganesh Kumar was absconded and the next dated fixed for appearance of the said Ganesh Kumar is 01.07.2024. The petitioner is in custody since 24.07.2021

5. Learned APP appearing for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstance of the case as well as the petitioner is languishing in judicial custody for more than two years, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sarmera P.S. Case No. 97 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Nalanda at Biharsharif subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) In case, the petitioner hampers the witnesses or tempering with the evidence after enlargement on bail, his bail



bonds will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

Prakash/-

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