

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24903 of 2024

Arising Out of PS. Case No.-69 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Rashik Kumar Son of Botal Mandal Resident of Village- Maheshi, P.S.
Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Ranjeet Kumar Singh, Adv. Ms. Diksha Kumari, Adv.
For the Opposite Party/s :		Mr.Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 25-10-2024 Heard the learned counsels for the petitioner as well as
the learned APP for the State.

2. Mr. N.K. Agrawal, the learned senior counsel for the petitioner has submitted that though the bail application of the petitioner was earlier rejected by this Court firstly vide order dated 13.03.20023 and secondly on 02.08.2023 but the fresh ground of filing the bail application is that despite the petitioner, being under custody for a period of nearabout two and a half years, the investigation is still incomplete as the charge-sheet has been submitted without obtaining FSL report.

3. Learned counsel has further submitted that considering the similar situation, a coordinate Bench of this Court has granted bail in case of *Rampravesh Diswa vs. State of Bihar* reported in *BLJ 2024 (1) 776* and *Ram Babu Yadav vs. State of Bihar* reported in *PLJR 2022 (2) 462* as the charge-sheet was submitted without obtaining the FSL report.

4. A report was called for from the court below about



stage of trial which shows that not a single witness has turned up for examination up-till now.

5. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Bhagalpur in connection with Sultanganj P.S. Case No. 69 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) The petitioner shall remain present physically on each and every date before the court below. In case of failure on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bonds of the petitioner.

(iii) After his release, the criminal antecedent of the petitioner shall be verified and if it is found that he is involved in any other case except the present one, his bail bond shall be cancelled.

(Nawneet Kumar Pandey, J)

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