

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27623 of 2023

Arising Out of PS. Case No.-100 Year-2021 Thana- GANGABRIDGE District- Vaishali

Sudhir Kumar @ Sudhir Rai Son of Binod Sah @ Binod Saw Resident of
Village- Patringa, PS- Sigori, Distt- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ram Pravesh Sharma, Advocate Mr. Sheikh Arkan Ahmad, Advocate Ms. Madhuri Kumari, Advocate
For the Opposite Party/s :	Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. By filing this application, the petitioner has renewed his prayer for regular bail in connection with Ganga Bridge P.S. Case No. 100 of 2021 registered for the offences punishable under Section 395 of the Indian Penal Code. He is in custody since 08.06.2021. The petitioner has got no criminal antecedent.

3. Earlier, the prayer for similar relief of the petitioner was rejected by this Court vide order dated 12.05.2022 passed in Cr. Misc. No. 66061 of 2021 with an observation as under:-

“The learned trial court is directed to keep the records of this case on shorter dates and all endeavours be made to conclude the trial within a period of nine months from the date of communication of this order. If the trial is not concluded within the said period, the petitioner may



renew his prayer for bail.”

4. The prosecution story is based on the *fardbeyan* of the driver of the vehicle who has stated that the vehicle in question was hired by a person who had called him from mobile number given in the FIR. It is alleged that when the driver and the said person, who was on the pickup, stopped near toll and were taking tea, two other persons came there, they took the driver here and there and at about 8.00 pm, they tied hands of the driver, snatched his mobile and money and looted away the pickup vehicle after forcing the driver to step down from the vehicle.

5. In paragraph ‘8’ of the application, a specific submission has been made that till date not a single witness has been examined even as the trial court has issued dasti bailable warrant on 14.03.2023 and thereafter about 19 dates have been given.

6. Learned counsel for the petitioner submits that the petitioner is in custody in connection with this case since 08.06.2021, therefore almost three years have gone, therefore he deserves privilege of bail.

7. Learned A.P.P. for the State has opposed this application, however, it is not the contention of the State that because of any fault on the part of the petitioner, the trial has



been delayed.

8. Taking note of the facts and circumstances of the case as also the period of incarceration and there being no progress in the trial, 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.D.J.-XII, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 100 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C.

9. 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.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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