

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45131 of 2024

Arising Out of PS. Case No.-103 Year-2021 Thana- CHAKIA District- East Champaran

Vikas Kumar @ Vikash Kumar @ Vikash Singh S/o Bharat Singh @ Bharath Singh R/o vill - Puran Chhapra, P.S. - Chakia, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari, Adv.
For the Opposite Party/s	:	Mr. Md. Matloob Rab, APP
For the Informant/s	:	Mr. Ashok Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-09-2024 Heard Mr. Suraj Kumar Tiwari, learned Advocate for the petitioner, Mr. Md. Matloob Rab, learned APP for the State and Mr. Ashok Kumar Sinha, learned Advocate for the informant.

2. This is the fourth attempt, wherein the petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 279 of 2022 arising out of Chakia P.S. Case No. 103 of 2021 registered for the offence punishable under Sections 364(a), 120(B) and 34 of the Indian Penal Code.

3. Learned Advocate for the petitioner contended that earlier thrice, the prayer for bail of the petitioner was rejected by this Court on 05.09.2022, 21.06.2023 and 23.02.2024. It is further contended that despite his being incarcerated since

02.05.2021 till date, the trial has not been concluded. It is further contended that though earlier, the prayer for bail of the petitioner has been rejected on merit and as such, he is not addressing the Court on merit but this cannot be ignored that the entire case is based upon circumstantial evidence and the other co-accused persons whose names also transpires during the course of investigation, have been allowed bail by different Benches of this Court. It is also contended that all the seven charge-sheet witnesses including the victim boy has been examined and discharged and as such, there is no chance of any tampering of the evidence or intimidating the witnesses. It is lastly contended that on the last occasion by negating the prayer of the petitioner for grant of bail, vide order dated 23.02.2024 passed in Cr. Misc. No. 85676 of 2023, this Court had observed that the learned trial court shall take all the necessary efforts to conclude the trial, preferably within a period of two months, taking note of the advance stage of the trial. Despite a lapse of more than six months till date, the trial has not been concluded.

4. On the other hand, learned APP for the State as well as the learned Advocate for the informant vehemently oppose the bail application and submits that the petitioner and accused persons have been responsible for the delay in disposal of the

trial, thrice time has been taken on behalf of the accused persons that they will produce the defence witness but they did not stand on their undertaking. It is also contended that the family members of the petitioner and other accused persons are indulged in threatening of the informant.

5. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been incarcerated since 02.05.2021 thus, over a period of three years and four months and yet it appears that it will take some more time to conclude the trial and the petitioner having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 22nd Additional Sessions Judge, East Champaran, Motihari in connection with Sessions Trial No. 279 of 2022 arising out of Chakia P.S. Case No. 103 of 2021, subject to the condition that one of the bailors will be the close relatives of petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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