

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42067 of 2024

Arising Out of PS. Case No.-247 Year-2018 Thana- BHAGWAN BAZAR District- Saran

VIKASH KUMAR SINGH @ TIGER SON OF KRISHNA SINGH
VILLAGE- NAYAKA BARKA BAJU TOLA, P.S.- RIVILGANJ, DISTT.-
SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nikita Mittal

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 06-09-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with Bhagwan Bazar Police Station Case No. 247 of 2018, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the petitioner and one co-accused arrived at the house of the deceased and pressurized him to accept the forms of B. A. Part-I of Rajendra College, Chapra of some persons, who were not present at Chapra and when the deceased refused to oblige the petitioner and others, they threatened the deceased for dire consequences. When



the deceased went to the college, the informant, at about 11 AM, got information, on the same date, that someone has stabbed his brother (deceased) and when the informant reached the place of occurrence, he learnt that the petitioner has stabbed the deceased near his chest with the help of two other accused persons.

4. This is the third attempt on behalf of the petitioner for grant of regular bail. The petitioner is in custody since 18.08.2020.
5. While rejecting the first bail application of the petitioner, at the first instance this Court took note of the fact that the petitioner is the main assailant and granted him liberty to renew his prayer for bail after one year if the trial does not show any substantial progress.
6. For the second time, when the petitioner moved an application for grant of regular bail, in Criminal Misc. No. 48058 of 2023, the same was also dismissed by this Court, vide order, dated 25.08.2023, taking note of the report regarding status of the trial furnished by learned 12th Additional Sessions Judge, Saran, at Chapra, in which estimated time for conclusion of the trial was given by the learned District Court within six months. Liberty was also



given to the petitioner to renew his prayer after six months.

7. This Court, vide order, dated 02.08.2024, had called for a report from the learned District Court regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 2nd Additional Sessions Judge, Saran, at chapra, and from perusal of the same, it would be evident that out of 12 charge sheet witnesses, none has been examined.
8. Regards being had to the submissions made by the parties and taking into consideration the period of custody of the petitioner and the fact that the trial has not progressed satisfactorily, I am inclined to grant regular bail to the petitioner.
9. This application is, accordingly, allowed.
10. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Saran, at Chapra, in connection with Bhagwan Bazar Police Station Case No. 247 of 2018 (Sessions Trial No. 577 of 2021), subject to the conditions that (1) the petitioner shall co-operate in



the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the court below, and (2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

11. Let a copy of this order be communicated to the learned District Judge, Saran, at Chapra, through fax.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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