

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74465 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Vikki Kumar @ Vicky Kumar @ Vicky Roy @ Vikki Son of Subodh Roy
Resident of village -Hakimabad, PS- Samastipur Muffasil, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Senior Advocate
Mr. Raja Ram Mishra, Adv

For the Opposite Party/s : Mr. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 13-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Samastipur Mufassil P.S. Case No. 274 of 2023 registered for
the offences punishable under Sections 382 and 34 of the IPC.

3. As per prosecution case, petitioner alongwith
other came on motorcycle and snatched the informant's bag
containing Rs. 1,10,000/- (cash), two mobile and important
documents and thereafter they fled away towards Chandni
Chowk.

4. Learned counsel for the petitioner submits that
on the confession of the petitioner, the recovery of looted
articles have been made from co-accused Ajay Kumar. He



further submits that on 10.01.2024 the bail of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 72396 of 2023 with an observation that if the trial is not concluded within six months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail. He further submits that the present bail petition of the petitioner has been filed after nine months from the date of earlier rejection of bail prayer of the petitioner. He further submits that not a single witness has been examined in the case till today though charge has been framed. He further submits that delay of trial is not attributable to the present petitioner as he is in custody since 15.06.2023 which is near about one year and six months. Learned counsel has submitted supplementary affidavit in which it has been stated that petitioner bears criminal antecedent of six cases in which he is on bail in all cases. He further submits that petitioner is ready to participate in trial proceeding without any break if he releases on bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the



petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 500/2024 has sent its report which reveals that trial is put on evidence after framing the charge but trial court report does not indicate that how many witnesses have been examined as yet.

7. Considering the facts and circumstances of the case, period of custody, trial is not likely to be concluded in near future and delay of trial is not attributable to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II Samastipur in connection with Samastipur Mufassil P.S. Case No. 274 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so



without appropriate permission of trial court, his bail bond shall be cancelled by the trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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