

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74485 of 2024

Arising Out of PS. Case No.-38 Year-2015 Thana- PURNAHYA District- Sheohar

Vikas Kumar @ Vikas Patel @ Bikas Kumar @ Bikas Patel @ Vikash Raut
@Vikash Patel Son of Devraj Raut @ Devraj Rai @ Devraj Roy R/O-
Vilalge-Basantpatti, P.S.- Purnahiya, Distt.-Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Adv.

Mr. Anjani Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-10-2024

Heard the parties.

2. The petitioner is in custody in connection with Purnahia P.S. Case No. 38 of 2015 for the offence punishable under sections 147, 148, 149, 341, 323, 324, 436, 427 of the Indian Penal Code and 27 of Arms Act and Section 17 of Criminal Law Amendment Act lodged on 01.06.2015 by the informant, Shankar Rai.

3. As per the prosecution story, the informant alleged that the clerk, Ajay Singh, called from his mobile about the presence of criminals at the brick kiln and they had also set the office on fire for not paying the levy. The informant rushed to the place and took the clerk to the Sitamarhi Sadar Hospital, which followed the FIR.



4. Learned counsel for the petitioner submits that he is a poor person, labeled as Marxist and implicated in number of cases, the present one included. Earlier, he was granted bail by a Bench of this Court in Cr. Misc. No. 15471 of 2016 on 18.04.2016 but since he was accused in Pakridayal P.S. Case No. 43 of 2018, he could not be produced before the Court and in that background, his bail bond was canceled. Further submission is that given a chance, he will be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that for nine years, the trial is pending.

6. Though there is allegation against the petitioner, the fact remains that earlier he was granted bail, has undertaken to diligently appear in trial, is in custody since custody since 27.03.2024 (para 22 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Session Judge, Sheohar, Bihar in connection with Purnahia P.S. Case No. 38 of 2015 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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