

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85676 of 2023

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

Vikash Kumar @ Vikash Singh S/O Bharat Singh R/O Village- Puranchhapra,
P.S.- Chakiya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : **Mr. Murli Dhar, APP**

For the Opposite Party/s : Mr. Manoj Dhar, Advocate
For the Informant : Mr. Ashok Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 23-02-2024 Heard Mr. Abhishek Kumar, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State. The informant is represented by Mr. Ashok Kumar Sinha,
learned counsel.

2. This is the third attempt, wherein, the petitioner is seeking grant of regular bail, who is in custody in connection with Chakiya P.S. Case No. 103 of 2021 registered for the offence punishable under Sections 364(a) and 120(B)/34 of the Indian Penal Code. Earlier twice, the prayer for bail of the petitioner was rejected by this Court on 05.09.2022 and 21.06.2023 in Cr. Misc. Nos. 54884 of 2021 and 23702 of 2023, respectively.

3. It is submitted on behalf of the petitioner that despite the incarceration of the petitioner since 02.05.2021, till



date, the trial has not been concluded. Moreover, the entire case is based upon circumstantial evidence. He next submitted that this is also the fact that the mobile phone, which is said to have been recovered from the possession of the petitioner was neither purchased by him nor the sim, which has been used through the said mobile, was in the name of the petitioner, rather the same belongs to one 'Shiv Nath Mahto'. He next submitted that some of the co-accused persons, whose involvement were also found in the present case, they have been allowed anticipatory/regular bail by this Court.

4. On the other hand, learned APP for the State as well as the informant vehemently opposes the bail application and informed this Court that now all the witnesses, except the Investigating Officer, which is only required to be cross examined by the defence and the victim are yet to be examined and the trial is at the verge of completion, moreover, there are cogent materials which have come during the course of investigation and the witnesses have also supported the prosecution case in the trial. It is further contended that only on account of non co-operation of the prosecution witnesses, delay has occurred and if the Investigating Officer will co-operate, the trial would have been completed within a period of one month.



5. Considering the submissions made on behalf of the learned counsel for the respective parties and also taking note of the stage of the trial and the materials against the petitioner, this Court does not incline to allow the petitioner on bail, for the present. However, this Court directs the Superintendent of Police, Motihari, East Champaran to ensure the presence of Investigating Officer on the next date fixed in the trial and also requested the learned trial Court to take all the necessary efforts to conclude the trial, preferably within a period of two months, from the date of receipt/production of a copy of this order, taking note of the period of incarceration of the petitioner.

6. Let the copy of this order be communicated to the Superintendent of Police, Motihari, East Champaran and the learned trial Court, forthwith.

7. Accordingly, the prayer for bail of the petitioner stands rejected.

(Harish Kumar, J)

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