

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8782 of 2024

rising Out of PS. Case No.-235 Year-2021 Thana- SONEPUR District- Saran

Vikash Kumar S/O Late Ramesh Kumar Rai Resident Of Murthan, P.O.-
Parmanandpur, Ps. Sonapur, Dist.Saran At Chapra, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Kumar Yadav @ Suman Kumar S/O Bachulal Yadav @ Bacchu Rai
Village- Parmanandpur Pokhra Murthan, Ps. Sonpur, Dist. Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Azim Uddin, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For the O.P. No. 2	:	Mr. Vasant Vikas, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
CAV ORDER

9 18-11-2025 Heard Md. Azim Uddin, learned counsel for the

petitioner, Mr. Vasant Vikas, learned counsel for the opposite

party no. 2 and Mr. Choubey Jawahar, learned Additional Public

Prosecutor for the State for the State.

2. The present application has been filed for
cancellation of the bail of the Opposite Party No. 2 which was
granted vide order dated 08.02.2023 passed in Cr. Misc. No.
48150 of 2022.

3. Learned counsel for the petitioner submits that
although there are other issues for consideration of bail of the
opposite party no. 2 but one of the consideration was that the
co-accused, namely, Sunil Kumar has also been granted bail by
a Co-ordinate Bench of this Court vide order dated 08.04.2022



passed in Cr. Misc. No. 53176 of 2021. He further submits that the petitioner (informant) has challenged the order dated 08.04.2022 passed in Cr. Misc. No. 53176 of 2021 by which the Co-ordinate Bench of this Court has granted bail to the co-accused, Sunil Kumar in SLP (Cri) No. 8003 of 2022. The Hon'ble Apex Court after hearing the parties has been pleased to set aside the order granting bail to the co-accused, Sunil Kumar. The opposite party no. 2 has been granted bail on the consideration that the co-accused, Sunil Kumar has been granted bail by a Co-ordinate Bench of this Court.

4. Learned counsel for the petitioner further submits that when the bail of the co-accused, Sunil Kumar has been cancelled by the Hon'ble Apex Court the bail of the opposite party no. 2 should be cancelled on the same ground.

5. Learned counsel for the Opposite Party No. 2 submits that from perusal of the F.I.R it appears that the specific allegation of firing is attributed against the co-accused persons, namely, Jamwant Rai, Vijay Rai and Abhimanyu Rai and there is no specific allegation of firing attributed against the opposite party no. 2. Apart from the aforesaid, learned counsel for the opposite party no. 2 also submits that vide order dated 19.03.2025 a report was called for with regard to the present



stage of the trial. The relevant portion of report of the learned Trial Court dated 21.05.2025 is quoted hereinbelow:-

- *The record was fixed for argument, but on previous date the prosecution has filed a petition u/s 319 of Cr.P.C., therefore now the record is fixed hearing on the petition.*
- *Out of nine chargesheeted witnesses and including one another witness, in total ten witness have been examined.*
- *Three months time is likely to be taken for completion of trial.*

6. Learned counsel for the opposite party no. 2 submits that the opposite party no. 2 had participated in the trial and appeared on each and every date as directed by this Court while granting bail to the opposite party no. 2 in Cr. Misc. No. 48150 of 2022 and the opposite party no. 2 has not violated any terms and conditions of the order dated 08.02.2023 passed in Cr. Misc. No. 48150 of 2022.

7. Considering the aforesaid facts and circumstances, perused the materials available on record as well as report of the learned Trial Court, no case is made out for cancellation of the bail of the Opposite Party No. 2.

8. Prayer is refused and the present application stands dismissed.

(Rajesh Kumar Verma, J)

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