

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.272 of 2025

Arising Out of PS. Case No.-4 Year-2023 Thana- PARSABAZAR District- Patna

Vikash Kumar S/O Satyajeet Prasad Resident of Village - Habibpur, P.S-
Punpun, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar.
2. Gaurav Kumar S/O Late Prem Kumar Resident of Village - Pakdi Punpun
P.S- Punpun, District – Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivanand Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

5 11-04-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 20.12.2024 passed by learned Exclusive
Special Judge, SC/ST Act, Patna whereby the prayer for bail of
the appellant in connection with Special Case No. 99 of 2023 in
Serial No. 07 of 2023 arising out of Parsa Bazar P.S. Case No.
04 of 2023 under Sections 302, 120B/34 of the Indian Penal
Code and Section 27 of the Arms Act and under Sections 3(2)(v)
(va) of the SC/ST Act was rejected.

3. It is a case of commission of murder of the father of
the Informant by the accused persons.

4. This is the second attempt of the appellant with a



prayer for bail. The appellant has renewed his prayer for grant of regular bail which was earlier rejected by this Court vide order dated 14.03.2024 passed in Cr. Appeal (SJ) No. 3868 of 2023.

5. Learned counsel for the appellant submits that the appellant is in custody since 31.03.2023 and co-accused Suraj Kumar and Navin Kumar @ Naveen Kumar have already been granted bail by this Court vide orders dated 09.08.2024 and 30.08.2024 passed in Cr. Appeal (SJ) Nos. 2031 of 2024 and 2024 of 2024 respectively. Charge has also been framed in this case on 04.06.2024.

6. In compliance of the earlier order of this Court dated 07.02.2025, a report with regard to the present stage of trial has been received which is kept in the record of this case. From perusal of the report dated 25th February, 2025 sent by the learned court below, it appears that the charge has been framed on 04.06.2024. The summons and bailable warrants have been issued against the prosecution witnesses and the case is at the stage of prosecution evidence.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellant, the report sent by the learned court below as also the prayer for



bail being based on parity, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 20.12.2024 passed by learned Exclusive Special Judge, SC/ST Act, Patna is hereby set aside.

8. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 99 of 2023 in Serial No. 07 of 2023 arising out of Parsa Bazar P.S. Case No. 04 of 2023, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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