

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12122 of 2025

Arising Out of PS. Case No.-249 Year-2021 Thana- BARAULI District- Gopalganj

Vikky Kumar @ Aarabh Srivastava Son of Rajesh Prasad @ Rajesh Kumar
Village-Mahaicha, P. S. - Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Adv. Mrs. Urmila Kumari, Adv.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with S.Tr. No.46 of 2021, arising out of Barauli P.S. Case No.249 of 2021 lodged under Sections 399/402 of the IPC read with Section 25(1-b)a/26/35 of the Arms Act which is pending before Addl. Sessions Judge-I, Gopalganj.

3. Learned counsel for the petitioner submits that the bail applications of the petitioner has earlier been rejected twice vide orders dated 23.08.2022 & 19.04.2024 passed in Cr. Misc. No. 24484 of 2022 & Cr. Misc. No. 10570 of 2024 respectively. Counsel further submits that the first bail application was rejected with a liberty to renew his prayer for bail one year after



framing of charge. Counsel further submits that, vide order dated 19.04.2024, passed in Cr. Misc. 10570 of 2024, the progress report was perused, wherein it was mentioned that the trial was likely to be concluded within a period of 8 months, however, till date, the trial has not been concluded.

4. Learned counsel for the petitioner further submits that the petitioner's antecedent is not clean. There are 10 criminal cases pending against him. Counsel further submits that the petitioner has been in custody since 30.08.2021. Counsel also submits that a report regarding present stage of the trial was called for. Counsel further submits that a co-accused has been granted bail by this Hon'ble Court vide order dated 31.01.2025, passed in Cr. Misc. No. 25993 of 2024.

5. Learned counsel for the State opposes the prayer for bail and submits that total recovery of 1 Kg *charas* has been made from the possession of different persons. Counsel further submits that the petitioner's antecedent is not clean. There are 10 criminal cases pending against him. Counsel further submits that a report regarding present stage of the trial was called for and from the report, it transpires that out of seven charge-sheet witnesses, six witnesses have been examined and only one witness has yet to be examined. Counsel also submits that the



material has come against the petitioner and upon perusal of the FIR, it transpires that this matter is relating to Gopalganj District.

6. Upon perusal of the aforementioned case relied upon by learned counsel for the petitioner, this Court is of the firm view that there is no parity between the petitioner's case and that of the co-accused to whom bail was granted by this Court. There are 10 criminal cases pending against the present petitioner, whereas the criminal antecedents of the co-accused are fewer in number as compared to the present petitioner.

7. Speedy trial is a constitutional vision of justice. For this reason, the Superintendent of Police, Gopalganj, is directed to take necessary action by instructing the concerned SHO/IO to ensure the production of the remaining one witness in connection with Barauli P.S. Case No. 249 of 2021 at the earliest, so that the trial be concluded within two months from the date of production of the order.

8. The Registry is directed to transmit a copy of this order to the Superintendent of Police, Gopalganj, through fax, e-mail or any other mode forthwith. The Registry is further directed to handover a copy of this order to learned A.P.P. who shall communicate this order to the Superintendent of Police,



Gopalganj, at his level.

9. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner at present. Therefore, the bail application of the petitioner is hereby **rejected**.

(Dr. Anshuman, J.)

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