

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1501 of 2025**

Arising Out of PS. Case No.-553 Year-2021 Thana- BIDUPUR District- Vaishali

Kunal Kumar @ Kunal Singh S/O Diwakar Kumar @ Late Diwakar Singh
R/O Village- Dilwarpur Goverdhan, P.S- Bidupur, Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vivek Kumar S/O Late Rana Sharma R/O Village- Panapur Dilwarpur, P.S- Bidupur, Distt.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate.
For the State : Ms. Usha Kumari 1, Sp. PP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

2 18-04-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This Criminal Appeal has been filed to enlarge the appellant on bail, impugning the order dated 21.03.2025, passed by learned Special Judge, SC/ST Vaishali at Hajipur, arising out of Bidupur P.S. Case No. 553 of 2021 registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506, 447 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s), 2(va) of the SC/St Act. Subsequently Section 302 of the Indian Penal Code was added whereby bail has been denied to the appellant.

3. Prior to the present petition, the previous Criminal



Appeal (SJ) No. 245 of 2024 was dismissed by this Court vide order dated 12.07.2024 on merit. However, learned Trial Court was directed to expedite the trial and conclude the same within six months failing which the appellant was granted liberty to renew his prayer for bail.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the Appellant is in jail for more than three years since 16.01.2022 and till now only charge has been framed and no prosecution witness has been examined and conclusion of trial is likely to take too long time and hence, in view of the fundamental right of the Appellant, to speedy trial, the Appellant may be enlarged on bail.

5. It has also been stated in paragraph no. 3 of the present appeal that the appellant has been made accused in six other cases and in some of those cases, he is on bail.

6. It is also stated in paragraph no. 2 of the appeal that the appellant has moved this Court earlier for bail.

7. However, learned Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

8. Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated



21.03.2025, passed by learned Special Court SC/ST Act, Vaishali at Hajipur, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction concerned court below in connection with Bidupur P.S. Case No. 553 of 2021 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court



that statement regarding previous bail appeal is wrong, the
learned trial court shall cancel the bail bonds of the appellant.

(Jitendra Kumar, J)

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