

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40071 of 2025

Arising Out of PS. Case No.-517 Year-2023 Thana- KANKARBAG District- Patna

Vivek Kumar Son of Vijay Kumar Singh Resident of Kamla Sadan, HDFC Gali, Chanmari Road(tenant of Pankaj), P.S.- Kankarbagh, District- Patna, permanent R/O- B-56,Sector-1, HEC Colony, Durwa, P.S.- Jagarnathpur, Distt.- Ranchi (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Advocate
For the State	:	Mr. Anil Kumar, APP
For the informant	:	Mr. Nitin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-07-2025 Heard Mr. Krishna Kant Singh, learned counsel for the petitioner, Mr. Nitin Kuamr, learned counsel for the informant and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 18.05.2023 in connection with Kankarbagh P.S. Case No. 517 of 2023, F.I.R. dated 17.05.2023 for the offences punishable under Sections 498(A), 307 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and later on Section 304(B)/34 of the Indian Penal Code has been added vide order dated 18.05.2023.

3. Earlier the bail application of the petitioner was



rejected vide order dated 04.07.2024 passed in Cr. Misc. No. 82596 of 2023.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 18.05.2023 and the trial is not in progress and in support of that contention the petitioner has annexed the entire order sheet of Sessions Trial No. 996 of 2023, which suggests that in each and every date, the petitioner has been produced from jail but the prosecution did not examine any witnesses and out of nine charge-sheet witnesses only four charge-sheet witnesses have been examined as yet.

5. Learned Additional Public Prosecutor as well as learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the deceased and that there is direct and specific allegation of assault is attributed against the petitioner and other co-accused persons.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-X, Patna, in connection with Kankarbagh P.S. Case No. 517 of 2023, subject to the following conditions:-



i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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