

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29916 of 2025

Arising Out of PS. Case No.-301 Year-2023 Thana- CHAKIA District- East Champaran

Bipul kumar @ Vipul Kumar @ Bipin Kumar S/o Ramesh Thakur @ Ramesh Kumar Thakur Resident of village- Sariyatpur, P.S.- Pipra, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P. N. Shahi, Sr. Advocate
Mr. Amit Anand

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 25-02-2026 Heard learned Senior Counsel for the petitioner and learned APP for the State.

2. This is the second attempt of the petitioner. Earlier, the prayer for grant of bail was rejected vide order dated 21.03.2024 passed in Cr. Misc. No. 2881 of 2024, the following order was passed:

“Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Chakia P.S. Case No. 301/2023 registered for the offence punishable under Sections 302/120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The petitioner belongs to an organized criminal gang and the gang members named in the F.I.R. have killed the



deceased. During investigation, the name of the petitioner has come as active participant in the crime as he along with other criminals had gone to meet with Deva Gupta and Rahul Singh who supplied the pistols for killing the deceased. The petitioner is in jail since 30.10.2023. He has criminal antecedents also.

4. Considering the fact that the petitioner is an active participant in the murder of the deceased, this application is dismissed. 5. The trial Court is directed to expedite the trial.

6. While considering the bail application of the petitioner, this Court finds that there is enough material against the other accused persons, but it has been informed by the learned counsel for the informant that the other co-accused who have played an active part in the murder are not being arrested by the police for reasons known to them.

7. The Superintendent of Police, East Champaran, is directed see to it that the criminals/accused whose involvement has come in this case are arrested at the earliest.

8. The Superintendent of Police, East Champaran will file a report as to the steps taken for arrest of the remaining accused.

9. Lit this case under the headign "To Be Mentioned" for consideration of the report by the Superintendent of Police, East Champaran.

10. Let a copy of the order be communicated to the Superintendent of Police, East Champaran through FAX/e-mail forthwith for compliance of the order."



3. Thereafter, the prosecution is delaying the trial. Now the informant and his son are not appearing in trial saying that the one of them has got his eye surgery done and they are out of Bihar. Out of 24 witnesses, only two witnesses have been examined. It appears that the prosecution is trying to delay the case as the petitioner is in custody since 30.10.2023.

4. Considering the delay in trial and the delaying tactics adopted by the prosecution and the informant is particular as well as period of custody, this application is allowed.

5. Let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, East Champaran, Motihari/concerned court below in connection with Chakia P.S. Case No. 301 of 2023, *subject to the condition that the petitioner shall cooperate in the trial and shall be represented through his lawyer or himself on each and every date.*

(Sandeep Kumar, J)

Ranjeet/-

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