

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17888 of 2020**

Arising Out of PS. Case No.-103 Year-2018 Thana- BIKRAM District- Patna

SHARAD KUMAR Son of Late Rambhawan Singh Resident of Village -
Datiyana, P.S.- Bikram, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Manoj Kumar, Advocate
For the State	:	Mr. Mohammad Sufyan, APP
For the Informant	:	Mr. Sashank Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-07-2020 Heard learned Senior Counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner, in the present case, is seeking regular bail in connection with Bikram P.S. Case No. 103 of 2018 registered for the offences under Section 302 of the Indian Penal Code.

Learned Senior Counsel for the petitioner has drawn attention of this court towards earlier order dated 13.01.2020 passed by this court in Cr. Misc. No. 79945/2019 and while rejecting the prayer for regular bail of the petitioner this court directed that once the charge is framed against the petitioner, he is at liberty to renew his prayer for bail.

Learned Senior Counsel submits that now the charge has already been framed and the trial has begun and in course of



trial the witness whose statement was recorded in paragraph 128 of the supplementary case diary has already been examined.

It is submitted that the FIR is against unknown but the petitioner has been made accused on mere suspicion and 11 months after the alleged occurrence the name of the petitioner has been brought in this case on the basis of the statement of the witness who has now deposed that he came to know that the wife of the deceased had alleged prior enmity between the deceased and the petitioner. It is submitted that considering the observation of this Court, since during the present Pandemic period there is no chance of conclusion of trial, the petitioner may be released on bail on such terms and conditions as may be imposed by this Court.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

It is submitted on behalf of the informant that now because the trial has begun and after the start of normal functioning of the Court the trial may be concluded within the period of six months, this Court should not grant privilege of regular bail to the petitioner.

Having regard to the facts and circumstances of the case and the fact that earlier the prayer for regular bail of the petitioner



was rejected on 13.01.2020 saying that he may renew his prayer for bail after framing of charge and now the charge has already been framed, the petitioner is ready to abide by the terms and conditions of bail which may be imposed against him and the report of learned trial court suggests that after start of normal functioning of the court the trial shall be concluded within six months but presently, it is totally uncertain as to when the court start its normal functioning as also the fact that the witness whose statement has been recorded in paragraph 128 of the case diary has already deposed in course of trial, let the petitioner above-named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned A.D.J. - III, Danapur, District – Patna, in connection with Bikram P.S. Case No. 103 of 2018, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person 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 or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

With further condition that the petitioner shall appear on each and every date fixed in course of trial and two consecutive failure on the part of the petitioner in putting his appearance in course of trial will lead to cancellation of his bail and the court below shall without seeking any application from the party initiate process for cancellation of bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

