

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3467 of 2022

Arising Out of PS. Case No.-79 Year-2020 Thana- KANKARBAG District- Patna

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Prem Sagar @ Prem S/O Late Parmanand Pal R/O Village- Mohanpur, P.S.-
Punpun, District- Patna, Presently R/O Jandhari Chowk, Mahendru Moharri
Lane, P.S.- Pirbahore, District- Patna

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by the Stamp Reporter

within two weeks from today.

Heard learned counsel for the petitioner and Mr. Atul
Chandra, learned APP for the State.

This is the second attempt of the petitioner to obtain

bail in connection with S.Tr. No. 381 of 2020 arising out of

Kangarbagh P.S. Case No. 79 of 2020 registered for the offences

punishable under Sections 302 read with 34 of the Indian Penal

Code. He is judicial custody since 05.02.2020. He has no

criminal antecedent.

Earlier the prayer for bail of the petitioner was

rejected vide order dated 18.08.2021 passed in Cr. Misc. No.

6343 of 2021.



Learned counsel for the petitioner submits that in this case after the earlier rejection the trial has proceeded and three witnesses including the informant, the wife of the deceased and the father of the deceased have been examined as PW 1, PW 2 and PW 3 respectively. All of them have turned hostile and nobody has identified the petitioner.

Learned counsel further submits that the petitioner has remained in custody in connection with this case since 05.02.2020 and at this stage when the three material witnesses have turned hostile if the petitioner is released on bail there is no chance of his tampering with evidence or interfering with the course of trial.

Learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute that the three material witnesses have turned hostile in this case.

This Court had called for a report from the learned trial court as to the present stage of the trial and the time likely to be taken in conclusion thereof. It appears that as on the date of report, no prosecution witness had turned up, however, in view of the developments which have been brought to the notice of the court showing that three prosecution witnesses have deposed and they have turned hostile, this Court directs release



of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, XXIV, Patna in connection with S.Tr. No. 381 of 2020 arising out of Kangarbagh P.S. Case No. 79 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

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 steps 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.

The application stands allowed.

Certified copy of this order shall be provided only after removal of all the defects.

(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'.

