

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17109 of 2022

Arising Out of PS. Case No.-308 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

CHANDAN KUMAR SAH Son of Jagdish Sah Resident of Village -
Parsathua, P.s.- Kochas, Distt.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Arun Kumar, learned A.P.P. for the State.

Petitioner in the present case has renewed his prayer in connection with Durgawati P.S. Case No. 308 of 2020 registered for the offences punishable under Sections 414, 420, 467, 468, 471, 401, 120-B of the Indian Penal Code and Section 30(a)(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 16.12.2020 having two criminal antecedents as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected vide order dated 13.09.2021 passed in Cr. Misc. No. 23408 of 2021 (Annexure



-1) with an observation that if the trial is not concluded within a period of six months from the date of communication of this order the petitioner may renew his prayer for bail. Learned counsel submits that more than eight months have gone thereafter but the trial has yet not been concluded and the charge has not been framed till today. He has further filed a supplementary affidavit stating therein that the marriage of the brother of the petitioner is fixed on 24.05.2022. The photograph of the marriage card has been annexed as Annexure '4' to the supplementary affidavit.

Learned counsel submits that in such circumstance where the petitioner has already remained in jail for about one and half year, he deserve privilege of bail.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but does not controvert that earlier this court had given an observation that if the trial is not concluded within six months the petitioner may renew his prayer for bail.

Considering the entire facts and circumstances of the case and the earlier order of this Court showing that the petitioner was not granted bail at the relevant time considering his two criminal antecedents but the court had granted him



liberty to renew his prayer for bail after six months and thereafter about eight months have gone but till today the charge has not been framed as informed this Court, therefore, 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 Sessions Judge-II-cum-Special Judge, Excise Act, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 308 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 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.

