

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.57191 of 2021**

Arising Out of PS. Case No.-171 Year-2019 Thana- BAKHARI District- Begusarai

Ranjan Kumar Singh @ Chandan @ Chandan Singh @ Chandan Kumar, Son
Of Braj Kishore Singh @ Sudhir Singh, Resident Of Village - Sakarpura Ward
No.18, P.S.- Bakhri, Distt.- Begusarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. R. S. Sahay, Advocate Mr. Randhir Kumar No.1, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 05-01-2022 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

This is the third attempt of the petitioner to obtain regular bail in connection with Bakhri P.S. Case No. 171 of 2019 under Sections 304(B)/34 of the Indian Penal Code in which chargesheet has been submitted under Section 302/34 IPC. The petitioner has no criminal antecedent. He is in custody since 16.06.2019.

Earlier while rejecting the prayer for bail of the petitioner on 27.11.2019 in Cr. Misc. No. 59649 of 2019, this Court directed the learned trial court to expedite the trial and to proceed with the matter without granting unnecessary adjournment and complete the trial preferably within a period of



nine months. When the petitioner again moved in Cr. Misc. No. 1657 of 2021 the same was considered on 24.02.2021 and this Court once again refused to enlarge the petitioner on bail but at the same time directed the prosecution and the defence both to co-operate in early conclusion of trial. This Court observed that “if the trial is not concluded within a period of six months for no reason attributable to the petitioner, he may renew his prayer for bail.”

On the last date this Court noticed the submission of learned counsel for the petitioner that the petitioner is in custody in connection with this case since 16.06.2019. This Court called for a report from the learned Trial Judge as to the present stage of the trial. It appears that in this case the charges have been framed on 12.03.2021 and thereafter, only one prosecution witness has been examined on 20.03.2021. Altogether 8 prosecution witnesses are there and according to this report if the prosecution produces the witnesses then it may be concluded within six months. From the report it appears that repeated directions have been issued by the learned trial court to the prosecution to produce the prosecution witnesses.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering that the



petitioner has remained in jail as an under trial prisoner for more than two and half years and despite several directions of this Court the prosecution has not produced the witnesses on the dates fixed in the matter and only one witness has been examined so far, the trial is not likely to be concluded in near future as the third wave of COVID-19 has compelled the court to again work in a limited manner, this Court deems it just and proper to direct the petitioner above named to 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 of learned Additional Sessions Judge I, Begusarai in S. T. No. 289 of 2020 arising out of Bakhri P.S. Case No. 171 of 2019, subject to the conditions as laid down under Section 439(3) of the Cr.P.C.

And further condition that the petitioner shall attend the trial on each and every date fixed in the matter and two consecutive failure in putting appearance in the trial court shall invite action towards cancellation of bail bond by the learned court below itself.

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)

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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'.

