

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59792 of 2021

Arising Out of PS. Case No.-58 Year-2017 Thana- BHADAUR District- Patna

Chandan Kumar @ Chandan Paswan Son of Mahendra Paswan Resident of
Village - Krara, P.S.- Ghoswari, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmod Kumar, Advocate
For the State : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 364, 302, 307, 201 of the Indian Penal Code and Section 4 of POCSO Act.

As per prosecution case, in brief, it is alleged by the informant that on 28.08.2017 at 9:00 A.M. the accused petitioner came to his house and stated his informant's minor son to go with him and will return after one and two hours but his son did not return till evening. The informant suspected about any incident. On 29.08.2017 a dead body of a child is



lying on the field in Bakma village in Bahadur Police Station. The informant recognized the dead body of his son and relied upon by the informant that his son was murdered by doing carnal intercourse with her son by the accused petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Further submits that in fact the petitioner is not committed any offence and there is no eye witness to the alleged occurrence and the police after investigation submitted chargesheet and the charge has been framed under Sections 377, 302, 201 of the Indian Penal Code and Section 4 of the POCSO Act.

Vide order dated 08.02.2022, a report was called for with regard to the present stage of the trial. The report dated 22.03.2022 reveals that the charge has been framed against the petitioner on 24.01.2018 and the presently case is pending for examination of prosecution witnesses. Learned counsel for the petitioner submits that in view of the report the trial of the petitioner is not concluded in near future and the petitioner is in custody since 31.08.2017 more than four years and seven months.

Learned APP for the State has opposed the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody already suffered since 31.08.2017, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 135 of 2017, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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