

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2975 of 2023

Arising Out of PS. Case No.-308 Year-2020 Thana- DESARI District- Vaishali

CHANDAN KUMAR Son of Sri Vijay Rai Resident of village - Rasulpur,
P.S.- Desari (Chandpura), District - Vaishali (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.11.2020 in connection with Desari (Chandpura) P.S. Case
No. 308/2020, F.I.R. dated 02.11.2020, for the offences
punishable under Sections 341, 323, 326, 307, 354(B)/34 of the
IPC and later on Section 302 of the IPC was added.

According to prosecution case, the petitioner along
with the co-accused, namely, Satish Kumar misbehaved with the
informant and on protest, co-accused namely Satish Kumar
poured kerosene oil on her body and set her on fire.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from bare
perusal of the F.I.R. it appears that the specific allegation is



against co-accused, namely, Satish Kumar, who poured kerosene oil upon the informant and there is general and omnibus allegation against all the accused persons including the petitioner that they molested the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.11.2020.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Vide order dated 21.04.2023 a report was called for with respect to the stage of the trial. Report dated 27.04.2023 of the learned trial court reveals that the case is pending for hearing on the point of charge and till date even charge has not been framed against the petitioner. Learned counsel for the petitioner submits that in view of the report of the learned trial court it reveals that trial is not likely to be concluded in near future and the petitioner is in custody since 17.11.2020.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Uzma Quamar,



J.M.1st Class-cum-A.M. Vaishali at Hajipur in connection with
Desari (Chandpura) P.S. Case No.308/2020, subject to 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 witnesses, 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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