

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27880 of 2022**

Arising Out of PS. Case No.-77 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Chandan Ram @ Chandan Kumar Son Of Suresh Ram R/O- Vill-Kothia P.S.-
Begusarai Muffasil (Lakho Op) Dist- Begusari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

4 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This is second attempt of the petitioner to obtain bail in connection with S. Tr. No. 589 of 2021 arising out of Begusarai Muffasil (Lakho O.P.) P.S. Case No. 77 of 2019 registered for the offence under Sections 302, 201, 120(B), 504, 506/34 of the Indian Penal Code and 27 of the Arms Act. He is in custody since 19.02.2021 having no criminal antecedent.

Earlier the prayer for bail of the petitioner was rejected by this Court after noticing the statement of the wife of the petitioner in paragraph '39' of the case diary saying that her husband has killed the deceased with whom she was in love.

Learned counsel for the petitioner submits that during trial the wife of the petitioner has deposed as P.W.1, she is



solitary witness who has deposed so far in course of trial. She has been declared hostile as she did not support the case of the prosecution.

Learned counsel further submits that this petitioner is in judicial custody since 19th February 2021 and as per the report of the learned trial court, out of seven prosecution witnesses only one has been examined.

Learned APP for the State has though opposed the prayer for bail of the petitioner.

Considering the entire facts and circumstances of the case and the evidence of the wife of the petitioner who has been declared hostile and further that the trial of the case is likely to take much time, there being no submission that the presence of the petitioner cannot be secured in course of trial, this Court directs release of the petitioner above-named on bail on furnishing 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 – IV, Begusarai in connection with S. Tr. No. 589 of 2021 arising out of Begusarai Muffasil (Lakho O.P.) P.S. Case No. 77 of 2019, 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)

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