

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46544 of 2022

Arising Out of PS. Case No.-55 Year-2020 Thana- SAHARSA SADAR District- Saharsa

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Anil Ram @ Anil Kumar, S/o Bechan Ram, Resident of Village- Bijalpur,
Ward No. 5, P.S.- Bihra, District- Saharsa at present H/o Nana Musahru Ram
Resident of Village- Hakpara, P.S- Sadar, District- Saharsa.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking regular bail in connection with Special Case No. 6 of 2020 arising out of Saharsa Sadar P.S. Case No. 55 of 2020 registered for the offences under Sections 307 of the Indian Penal Code, Section 27 of the Arms Act and Section 8 of the Protection of Children from Sexual Offences Act. He has got one criminal antecedent. He is in custody since 24.02.2020.

Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 02.09.2021 passed in Cr. Misc. No. 12970 of 2021 with an observation that the learned trial court shall take all endeavours to conclude the trial within a period of nine months from the date of communication of this order. The prosecution must cooperate by producing all the witnesses on the



date fixed in the matter and it was further observed that “If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail”.

Learned counsel for the petitioner submits that till date only charge has been framed but even after framing of charge, no prosecution witness has turned up. In the meantime, the petitioner has remained in custody for about three years and four months.

Learned counsel submits that this petitioner if released on bail shall abide by such terms and conditions which may be imposed by this Court.

Learned counsel for the State has not denied the averments made in the application and the submissions made at the Bar on behalf of the petitioner.

In the circumstances, having noticed that the petitioner has remained in judicial custody for three years and four months and despite directions of this Court to the prosecution to co-operate in course of trial, the prosecution has not brought any evidence, further considering that the petitioner is ready to abide by such terms and conditions which may be imposed by this Court, this Court directs release of the petitioner on bail in connection with Special Case No. 6 of 2020 arising out of Saharsa Sadar P.S. Case No. 55 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the



like amount each to the satisfaction of learned Special Judge (POCSO) at Saharsa, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that while on bail, he will not try to approach the victim and the family members of the victim or any prosecution witness and shall attend the trial on the date fixed in the matter. Two consecutive defaults in putting appearance shall lead to an action towards cancellation of the bail bond.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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