

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50761 of 2023

Arising Out of PS. Case No.-80 Year-2020 Thana- MANSURCHAK District- Begusarai

DEEPAK DAS Son of Ramanand Das Resident of village - Raghopur, ward
no. 10, P.S. - Bibhutipur, Distt. - Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Anurag Mr. Abhijeet Abhigyan Mr. Sudhir Kumar Pandey
For the Opposite Party/s	:	Mr. Sandeep Kumar Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 25-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mansoorchak P.S. Case No. 80 of 2020 registered for the
offences punishable under Sections 304(B), 201/34 of the IPC.

3. As per prosecution case, petitioner and others
are said to have committed the murder of informant's daughter
under conspiracy and her dead body was thrown beside
the road.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner has surrendered before the court below on



27.10.2020. He further submits that total period of custody undergone by the petitioner is near about two years and ten months. Petitioner bears no criminal antecedent. Learned counsel further submits that petitioner is husband of the deceased. He further submits that at para 17 of the case diary, petitioner has never tortured the victim. As per post mortem report no bodily injury is found upon the deceased except ligature mark found. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that on 12.09.2022 the bail of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 5442 of 2022 with an observation that if the trial is not concluded within a period of nine months from the date of receipt/production of copy of order, petitioner may renew his prayer for bail. Learned counsel further submits through supplementary affidavit that though the trial is on evidence, not a single witness has been examined yet and the delay of trial is also not attributable to the present petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner



observed that if the trial is not concluded preferably within nine months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been called for vide order dated 02.08.2023. The trial court vide letter no.125 dated 05.08.2023 has sent its report which reveals that the trial is fixed for evidence.

7. Considering the facts and circumstances of the case, period of custody already undergone by the petitioner which is near about two years and ten months, trial is not concluded within nine months and delay of trial is not attributable to the petitioner, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Additional District and Session Judge-VIII at Begusarai in connection with Mansoorchak P.S. Case No. 80 of 2020 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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