

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37258 of 2024

Arising Out of PS. Case No.-222 Year-2020 Thana- BATHNAHA District- Sitamarhi

Ram Adhar Sah S/O Ram Bir Sah R/O Village- Sirsia, P.S- Bathnaha, Distt.-
Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

3. The learned counsel submits that this is the second attempt of the petitioner to seek regular bail.

4. It is next submitted that petitioner had earlier moved this Court seeking regular bail by filing Criminal Misc. No. 31133 of 2021 but then the same came to be rejected by an order dated 25.11.2021 on the ground that petitioner is husband of the deceased. It is further submitted that petitioner is in custody since 27.10.2020 and the charges were framed on 27.06.2022 but till date not a single witness has been examined. It is thus submitted that, it appears that the informant is only



interested in keeping the petitioner behind the Bar nor prosecution is taking any interest in the case.

5. Learned A.P.P. opposes the regular bail application of the petitioner and submits that though it has been submitted that charges were framed on 27.06.2022 but then the same has not been pleaded in the bail application.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner and also taking into consideration the period of custody and the fact that charges have been framed on 27.06.2022 and till date not a single witness has been examined, let the petitioner above-named is directed to be released on bail on furnishing bail-bonds in the sum of Rs. 25,000/- (Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VIII, Sitamarhi in connection with Bathnaha P.S. Case No. 222 of 2020.

7. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall verify that as to whether charges have been framed on 27.06.2022 or not and whether any witness has been examined thereafter or not. It is further made clear that if charges have not been framed, in that event, the present bail order shall not be



given effect to. Further, If charges have been framed and any witness has been examined, in that event also the present bail order shall not be given effect to but if charges have been framed and not a single witness has been examined in that event, the bail bonds of the petitioner shall be accepted.

(Satyavrat Verma, J)

Raj/Jagdish-

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