

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53818 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- KHODAWANDPUR District- Begusarai

RAM PRASAD SAH @ RAM PRASAD S/O LATE JANAK SAH @
JANAK SAH R/O VILLAGE- AIJANI, P.S- KHODAWADNPUR,
(CHHAURAH OP), DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 16-04-2024 Heard Mr. Hafiz Shahbaz Arif, learned counsel for the
petitioner and Mr. Jagdhar Prasad, learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sessions Trial No. 69/2023 arising out of Khodawandpur P.S.
Case No. 291 of 2022 lodged on 27.09.2022 under Sections 302
and 328 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against the petitioner with an allegation that he has
administered poison to her wife (deceased).

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
antecedent of the petitioner is clean and he is in custody since
27.09.2022. The marriage was solemnized 17 years back and



there is no single occasion due to which any cases were filed from either side. Learned counsel further submits that it is the unfortunate situation under which his wife has committed suicide.

5. Learned counsel for the State opposes the prayer for bail.

6. Upon specific query from the Court, learned counsel for the petitioner submits that the charge has already been framed and the trial is going on.

7. In the present facts and circumstances of this case and the submissions made above, it transpires to this Court that no purpose shall be served keeping the petitioner in custody, As such, let the petitioner above named be released on bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Begusarai, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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