

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61150 of 2024

Arising Out of PS. Case No.-154 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

Chandan Mukhiya Son of Baso Mukhiya Resident of Village - Karua Ward
No.5, P.O. - Saroja, P.S. - Simri Bakhtiyarpur, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-11-2024 Heard Mr. Diwakar Prasad Singh, learned counsel

for the petitioner and Md. Aslam Ansari, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
10.05.2022 in connection with S.T. No. 226 of 2022
corresponding to Bakhtiyarpur P.S. Case No. 154 of 2022, F.I.R.
dated 25.04.2022 for the offences punishable under Sections
302/34 of the Indian Penal Code.

3. Earlier the bail application of the petitioner was
rejected vide order dated 20.06.2023 passed in Cr. Misc. No.
74335 of 2022. He again moved before this Hon'ble Court but
the same was dismissed as withdrawn vide order dated
13.03.2024 passed in Cr. Misc. No. 20798 of 2024.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that the petitioner is the husband of the deceased. In fact, the marriage of the petitioner with the victim was performed 16 years ago and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. The petitioner is in custody since 10.05.2022.

5. Vide order dated 23.08.2024, a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 19.09.2024 has supported the contention of the petitioner that out of 7 charge sheet witnesses, only two witnesses have been examined as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody from more than 2 ½ years.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances as well as report of the learned Trial Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions



Judge-III at Saharsa in connection with S.T. No. 226 of 2022 corresponding to Bakhtiyarpur P.S. Case No. 154 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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.

(Rajesh Kumar Verma, J)

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