

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60321 of 2024

Arising Out of PS. Case No.-73 Year-2021 Thana- CHAUSA District- Madhepura

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Sharwan Ram Son of Naresh Ram R/O Vill.- Vinova Tola Lauwalagan, P.S.-
Chousa, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2024 Heard Mr. Uday Chand Prasad, learned counsel for

the petitioner and Mr. Arun Kumar Pandey, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
04.05.2024 in connection with S.T. No. 233 of 2022 arising out
of Chousa P.S. Case No. 73 of 2021, FIR dated 28.07.2021 for
the offences punishable under Sections 304B, 201 and 34 of the
Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 29.08.2023 passed in Cr. Misc. No.
37137 of 2023.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner has been made accused merely on the ground that he is husband of the deceased.

5. Vide order dated 23.08.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 03.09.2024 reveals that out of eight charge-sheet witnesses, prosecution has not examined any witness as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 04.05.2022.

7. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts as well as report of the learned trial Court, let the, above named, petitioner 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 learned Additional Sessions Judge-VIII, Madhepura in connection with S.T. No. 233 of 2022 arising out of Chousa P.S. Case No. 73 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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