

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78219 of 2023

Arising Out of PS. Case No.-38 Year-2020 Thana- CHIKSAUR District- Nalanda

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BUDHU RAM @ BUDHU BIND S/O SIDHESHWAR BIND RESIDENT
OF VILLAGE-JALALPUR, POLICE STATION-CHIKSAURA, DISTRICT-
NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Soni Kumari

For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable u/s 341, 323, 307, 379, 504, 506, 34 of the
IPC and later on section 302 IPC was added.

3. Earlier, thrice, the prayer for bail of this petitioner was
rejected by this Court vide order dated 26.05.2021 passed in Cr.
Misc. No.3852/2021, 25.08.2021 passed in Cr. Misc.
No.47318/2021 and 24.08.2022 passed in Cr. Misc.9000/2022.

4. The petitioner has now filed this application for bail.

5. Vide order dated 01.12.2023, a report was called for,
regarding the stage of trial. In compliance thereof, a report sent
by learned Additional Sessions Judge-V, Hilsa, Nalanda dated



14.12.2023, is kept at flag 'T', whereby it is stated that the charge against the accused persons has been framed and summons have been issued to the charge sheet witnesses but prosecution has not produced any witnesses up till now.

6. It is submitted by learned counsel for the petitioner that the petitioner is languishing in judicial custody since 20.06.2020 i.e. for about three years and nine months and there is no likelihood of the trial to be concluded in the near future. It is further submitted that all the other accused have been granted bail by the co-ordinate Bench of this Court and the postmortem report has not supported the prosecution case.

7. Considering the period of custody of the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Chiksaura P.S. Case No.38 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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