

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1850 of 2025**

Arising Out of PS. Case No.-343 Year-2024 Thana- BARARI District- Katihar

Chandan Singh Son of Ram Jatan Singh R/o Durgapur Kushwaha Tola, P.S.-
Barari, Dist.- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Bimala Devi wife of Hira Lal Rajak Village- Semapur Bazar, ps- Barari,
Dist- katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, SPP
For the Respondent No.2:		Mr. Akash Raj, Advocate
		Ms. Nikita Mittal, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

9 14-05-2026 Heard Mr. Ajay Kumar, learned counsel for the

appellant, Mr. Akash Raj, learned counsel appearing on behalf

of the Respondent No. 2 as well as Ms. Usha Kumari 1,

learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated
25.02.2025 passed by the learned Court of District &
Additional Sessions Judge-I-cum-Special Judge SC/ST-cum-
Children Court, Katihar in connection with Barari P.S. Case
No. 343 of 2024, F.I.R. dated 05.12.2024 registered under



Sections 103(1) and 238 of the BNS, 2023 and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities) Act.

3. According to the prosecution case, the Respondent No. 2 suspects that her daughter has been killed by this appellant.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the it appears from the FIR that the informant is not the eye witness of the alleged occurrence and even no one has seen the occurrence and the appellant has been made accused in the present case merely on the basis of suspicion and except the suspicion, nothing has come during investigation which suggest the involvement of the appellant in the present occurrence. The charge has been framed on 3.7.2025 and the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 05.12.2024 and the trial is not in progress.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that it has come during



investigation in paragraph nos. 19, 21, 23 and 46 of the case diary that the appellant was apprehended with blood stained clothes and apart from that the *Pujari* of the temple has stated that he has saw the appellant at the place of occurrence. They further submits that on the basis of confessional statement of the appellant, the arm (knife) which was used in the present crime in question has been recovered. Apart from that the appellant carries one criminal antecedent other than the present one but fairly submits that he is on bail in the pending matter.

6. Vide order dated 01.04.2026 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 25.04.2026 reveals that there are 10 charge sheet witnesses in the charge sheet and despite B.W. and N.B.W., the prosecution has not examined any witnesses as yet and the case is pending for the examination of the prosecution witnesses.

7. Learned counsel for the appellant 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 appellant is in custody since 05.12.2024.

8. Considering the aforesaid facts and circumstances



of the case, report of the learned Trial Court as well as period of custody, let the appellant, 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 learned Court of District & Additional Sessions Judge-I-cum-Special Judge SC/ST-cum-Children Court, Katihar in connection with Barari P.S. Case No. 343 of 2024, with other following conditions:-

i. Appellant 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 appellant 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 appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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