

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23816 of 2019

Arising Out of PS. Case No.-112 Year-2016 Thana- BEERPUR District- Begusarai

RAM KISHUN SAHNI, aged about 33 yrs, Male, Son of Late Dilchand
Sahni Resident of Village-Noopur, P.S.-Teghra, District-Begusarai
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kumar Sinha, Adv.

For the Opposite Party : Mr. Mohammed Arif, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner had earlier moved twice for bail which
were rejected on 14.09.2017 in Cr. Misc. No. 35069 of 2017 and
on 07.02.2018 in Cr. Misc. No. 62451 of 2017. The petitioner
is languishing in judicial custody since 30.05.2017 in
connection with S. Tr. No. 420 of 2017 arising out of Birpur P.S.
Case No. 112 of 2016 for the offences alleged under Section
302/34 of the Indian Penal Code and under Section 27 of the
Arms Act.

The prosecution case, as lodged by the informant, is
that while he was in his medicine shop along with his brother,
five miscreants came on two motorcycles and fired on his
brother as a result he succumbed to the injuries. Specific
allegation is upon co-accused, Balwant Sahni, Shivdani Sahni



and the petitioner to have fired on the chest, abdomen and cheek respectively.

It has been submitted by the learned counsel for the petitioner that specific allegation against the petitioner is of firing on the cheek, which is not a vital part of the body whereas injuries caused by other co-accused was on the vital part of the body. He submits that earlier by order, dated 07.02.2018, the trial Court was directed to conclude the trial expeditiously within a period of one year, but, upto now trial has not concluded. In this regard, a report was called for from the trial Court, which has been received vide letter no. 61, dated 23.04.2019, that now the evidence of the prosecution has been closed and the matter is running for evidence of defence. However, no time schedule has been referred in the said letter for conclusion of trial.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that cumulative effect of the injuries caused by the petitioner and the other co-accused resulted in the death of the informant's brother.

Considering the nature of allegations, the period of custody and trial has not made much head way together with the fact that the injuries alleged to be caused by the petitioner was



on the cheek, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 420 of 2017 arising out of Birpur P.S. Case No. 112 of 2016 to the satisfaction of the learned Additional Sessions Judge, XIII, Begusarai, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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