

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19288 of 2020**

Arising Out of PS. Case No.-17 Year-2005 Thana- NAYAGAON District- Saran

=====

KASHI SAHANI @ KASHI SAH Son of Late Shree Sahni Resident of
Village - Nayagaon, P.S.- Naya Gaon, Dist.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2020 Learned counsel for the petitioner undertakes to

remove the defects, if any, within two weeks from start of

normal functioning of the Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Nayagaon P.S. Case No. 17 of 2005

registered for the offences punishable under Section 47(a) of

Excise Act and 273 of the IPC.

Learned counsel for the petitioner submits that

although the petitioner was earlier granted bail in connection

with this case but there are allegations of misuse of the privilege

of bail against the petitioner. It is submitted that in fact the



petitioner is a labourer and for earning his livelihood he had left his village after entrusting the pairvi of the case to his pairvikar but because the petitioner did not get appropriate information in time to appear in the trial court, his bail bond was cancelled.

Learned counsel submits that the petitioner may be granted one last opportunity as he is ready to undertake before this Court that he would appear in the court below regularly and make proper pairvi for disposal of the case.

Learned APP for the State has though opposed the prayer for regular bail, however it is not disputed that petitioner is a labourer.

Considering the facts and circumstances of the case although there are allegations of misuse of privilege of regular bail against the petitioner but for the said misuse the petitioner is in custody since 06.01.2020 and is ready to give an undertaking that henceforth he will appear in the court below in course of trial on each and every date, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd A.D.J.-cum-Special Judge, Excise, Saran in connection with Nayagaon P.S. Case No. 17 of 2005, subject to the conditions as laid



down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

The court below shall not grant any adjournment to the prosecution on the date fixed in the trial and will keep in view that the petitioner is a labourer, and therefore the trial be concluded at the earliest and preferably within a period of six



months from the date of receipt/production of a copy of this order.

In case the prosecution does not cooperate, appropriate steps be taken by the court below for the same but in no case the records be kept pending.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

