

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13509 of 2021**

Arising Out of PS. Case No.-323 Year-2006 Thana- BAKHTIYARPUR District- Patna

DHOLAN SAH @ JHAMELY SAH @ UDAY PRASAD Son of Late Ram
Chandra Sao Resident of Village- Govindpur, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr.Adv. Mr.Vijay Anand, Adv. Ms. Preety Kunwar, Adv.
For the Opposite Party/s :		Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bakhtiyarpur P.S. Case No.323/2006 registered for the offences punishable under Sections 396/201 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that as per the prosecution story the dead body of three persons were found by the informant and they apparently appeared to be

driver and khalasi of some trucks. They were strangled to death after tying their neck with rope and with a view to conceal the facts the miscreants looted the truck with loaded goods and fled away. The FIR was lodged against unknown. In course of investigation, co-accused Mantu @ Sanjay Kumar was arrested. The co-accused made a confessional statement in which he disclosed the name of four persons including this petitioner.

Learned senior counsel further submits that the petitioner was not aware of this case and the investigation against him remained pending for 14 years. The investigating officer never attempted to arrest him and no warrant of arrest was ever issued against him. The co-accused Mantu @ Sanjay Kumar who faced the trial has already been acquitted vide judgment dated 10.08.2007 passed in Sessions Trial No.485/2007 by learned A.D.J.-IIIrd, Barh. The co-accused Ram Swarath Rai who has been charge-sheeted by supplementary charge-sheet no.159/2007 has been granted bail by a learned coordinate Bench of this Court vide order dated 08.01.2008 passed in Cr.Misc.No.47270/2007.

This petitioner has been charge-sheeted vide supplementary charge-sheet no.159/2020 on the same materials. The petitioner is in custody since 23.06.2020 and at this stage

the trial is not likely to be concluded in near future.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, but considering the facts and circumstances of the case as noted hereinabove particularly that the investigation against the petitioner was kept pending for 14 years and he is in custody for more than one year, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIIrd, Barh in connection with Bakhtiyarpur P.S. Case No.323/2006, subject to the condition as laid down under Section 437 (3) 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, 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 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.

(Rajeev Ranjan Prasad, J)

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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'.