

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17891 of 2021**

Arising Out of PS. Case No.-966 Year-2018 Thana- SAHARSA District- Saharsa

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ABDUL RAHMAN @ ABDUR RAHMAN Son of Md. Kamruddin Resident
of Village - Karhara, P.s.- Mahishi, and Distt.- Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 02-07-2021 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 counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain

bail in connection with S.T. No. 48 of 2019 corresponding to

Saharsa P.S. Case No. 966 of 2018 registered for the offences

punishable under Sections 302, 120(b), 201 and 34 of the Indian

Penal Code.

Learned counsel for the petitioner submits that earlier

the prayer for bail of petitioner was rejected by a learned co-

ordinate Bench of this Court vide order dated 06.02.2020 passed



in Cr. Misc. No. 62298 of 2019. He has taken through this order to this Court and has pointed out that after noticing the kind of materials which was mostly in form of suspicion, the learned co-ordinate Bench rejected the prayer for bail of the petitioner but at the same time directed the learned trial court to expedite the trial and to conclude it within a period of six months since the petitioner is in custody since 13.10.2018.

Learned counsel further submits that the learned co-ordinate Bench has also given liberty to the petitioner to renew his prayer for bail if the trial is not concluded within the aforesaid period.

Pointing out to the statements made in paragraph '20' and '23' of the petition learned counsel categorically submits that after framing of charges no prosecution witness has been examined so far.

As regards statements made in paragraph '23', learned counsel submits that he has referred the examination of witnesses in the case diary and not in course of trial.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner by submitting that earlier the prayer for bail of the petitioner was rejected.

Considering the facts and circumstances of the case



wherein it appears from the order of the learned co-ordinate Bench that earlier his prayer for bail was rejected after noticing that in course of investigation the witnesses have shown some suspicion against him, learned co-ordinate Bench had rejected the prayer for bail of the petitioner but with an observation that if trial is not concluded within six months, petitioner may renew his prayer for bail. This Court has noticed that the petitioner is in custody since 13.10.2018 and according to learned counsel for the petitioner not a single witness has been examined in course of trial, if this is the position then this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saharsa in connection with S.T. No. 48 of 2019 corresponding to Saharsa P.S. Case No. 966 of 2018 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.

While receiving the bail bonds the learned court below shall verify the correctness of the statement made by learned counsel for the petitioner that till date no prosecution witness has been examined and only after being satisfied with this the bail bond shall be accepted.

This application stands disposed of accordingly.

(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'.

