

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19835 of 2021

Arising Out of PS. Case No.-38 Year-2016 Thana- KOTHIGRAM District- Gaya

SONU KHAN @ SANU KHAN Son of Shamim Khan Resident of Village -
Kothi, P.S.-Kothi and Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh, Adv. Mr.Manish Kumar No.2, Adv.
For the Opposite Party/s :		Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-10-2021 Heard the parties through virtual court proceedings.

The petitioner seeks bail in connection with Sessions Trial No.18 of 2017/85 of 2017 arising out of Kothi P.S. Case No.38 of 2016 registered for the offence punishable under Sections 302, 201, 212 and 120(B) of the IPC, section 27 of the Arms Act and section 17 of the Criminal Law Amendment Act.

Earlier, the prayer for bail of the petitioner filed vide Cr. Misc. No.41185 of 2017 was rejected on 16.10.2017 and then secondly his prayer for bail filed vide Cr. Misc. No.5276 of 2019 was rejected 31.01.2019 with a direction to the S.P., Gaya, to ensure the presence of the witnesses so that the trial may be concluded as expeditiously as possible.

Now, again the petitioner has prayed for grant of regular



bail through the instant bail application in which vide order dated 06.08.2021, a status report was called for.

In compliance thereof, a report dated 26th August, 2021, kept at Flag 'X' has been sent by the learned Additional District and Sessions Judge-1st, Gaya whereby it has been submitted that altogether nineteen witnesses have been examined in this case. Out of 78 charge sheeted witnesses, 59 witnesses are still pending for examination.

Learned counsel for the petitioner filed a supplementary affidavit kept at flag 'S' whereby, it has been submitted that the main assailant has already been granted bail by the learned court below itself and this petitioner is languishing in custody since 28.10.2016 i.e. for five years.

Considering the facts and circumstances of this case and the custody of nearly five years, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI, Gaya, in connection with Sessions Trial No.18 of 2017/85 of 2017 arising out of Kothi P.S. Case No.38 of 2016, subject to the following conditions:

1. One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

2. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

3. The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

4. The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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