

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20038 of 2021**

Arising Out of PS. Case No.-107 Year-2019 Thana- DANDKHORA District- Katihar

Mithlesh Kumar Sah S/O Dev Narayan Sah R/O Village-Mohammadpur,
Police Station-Kadwa, District-Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Rajpati,Advocate

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

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

3 28-07-2021 Heard learned counsel for the petitioner and Mr. Nand
Kumar, learned APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Dandkhora P.S. Case No. 107 of 2019 registered for the offences punishable under Sections 341, 307 and 120(B) of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected vide order dated 01.06.2020 passed in Cri. Misc. No. 11292 of 2020 after noticing the statements of injured. This Court had directed the learned trial court to expedite the trial and it was observed that in case the trial is not concluded within a period of six months from the date of receipt/production of a copy of this order, the petitioner may renew his prayer for bail.

Learned counsel has drawn the attention of this Court

towards the deposition of the injured who has made statement in course of deposition that she was having acquaintance with the petitioner for last three years. He happens to be the devar of her mosi and she had been in love with him but later on she developed love with the devar of her sister and for this reason the petitioner was not happy.

This Court had also called for a report from the learned trial court and according to the report at least nine months is likely to be taken in conclusion of trial. Learned trial court has recorded that due to Covid-19 pandemic progress of trial has hampered.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case, period of custody of the petitioner being since 16.12.2019 and at this stage the injured has already been examined and further incarceration of the petitioner is not likely to come in aid of the prosecution, thus, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Katihar or Successor Court in connection with Dandkhora P.S. Case No. 107 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.