

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18723 of 2021

Arising Out of PS. Case No.-105 Year-2015 Thana- CHOUTARWA District- West
Champaran

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RAJESH SAH S/O HEERA SAH R/o village- Bariyarawa, P.S.- Choutarawa,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra
For the Opposite Party/s : Mr.Narsingh Tanti,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Choutarawa P.S. Case No.
105 of 2015 corresponding to Sessions Trial No. 393 of 2015,
registered for the offence punishable under Sections 302, 504
and other allied sections of the Indian Penal Code.

Earlier prayer for bail of the petitioner was rejected
fifth times. Last order of rejection is dated 11.04.2018 whereby
prayer of bail of the petitioner was rejected with direction to the
SP, Bagaha and Civil Surgeon, Bettiah to ensure the
examination of the two witnesses within a period of three weeks
from the receipt/production of a copy of this order and the trial



court is directed to dispose of the case within a period of five months thereafter. However, till date even after lapse of two and half years, the case is running for evidence. Petitioner is in custody since 23.04.2015.

Considering the period of custody and tardy progress in trial, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bagaha West Champaran in connection with Choutarawa P.S. Case No. 105 of 2015 corresponding to Sessions Trial No. 393 of 2015, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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