

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17728 of 2020

Arising Out of PS. Case No.-64 Year-2016 Thana- SANHAULA District- Bhagalpur

RAKESH SAH @ RAKESH KUMAR @ RAKESH KUMAR SAH Son of
Suresh Sah Resident of Village - Nayagaon, Shyampur, P.S.- Kotwali, District
- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 20-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner, who is in custody since 16.06.2016, has renewed his prayer for bail in connection with S.T. No. 138 of 2017 arising out of Sanhaulla P.S. Case No. 64 of 2016 for the offences alleged under Sections 147, 148, 149, 448, 307, 302, 120B, 504 of the Indian Penal Code and Section 27 of the Arms Act having earlier been rejected twice by this Court by order dated 11.08.2017 in Criminal Miscellaneous No. 31392 of 2017 and order dated 06.11.2019 in Criminal Miscellaneous No. 65232 of 2019.

3. It is submitted that the petitioner has been falsely implicated in connection with alleged murder of Devendra Sah @ Babloo Sah. It is submitted that the petitioner is the body guard of the Ist A.D.J-cum-Special Judge, POCSO, Bagaha. It will be evident from the letter dated 18.06.2016 of the said Judicial Officer that the petitioner had been granted oral permission in the afternoon of 13.06.2016, the date of occurrence, to go to



Patna for personal work (Annexure-P/3) and as such the petitioner could not have been present at the place of occurrence at Bhagalpur at the time of occurrence in the morning. Furthermore, the F.S.L. report dated 28.03.2018 enclosed with the supplementary affidavit shows that there was no indication of firing from the petitioner's pistol. It is further submitted that this Court in its order dated 06.11.2019 has dismissed the petitioner's earlier bail petition with observation for conclusion of the trial expeditiously and preferably within three months. However, according to the last status report dated 23.09.2020 received in this Court, the trial is still ongoing. The petitioner has already suffered more than four and half years in custody and claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 16.06.2016 and the present stage of the trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Bhagalpur in connection with S.T. No.138 of 2017 arising out of Sanhaulla P.S. Case No. 64 of 2016, if he is not otherwise required in any other case.

(Vikash Jain, J)

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