

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27662 of 2021

Arising Out of PS. Case No.-495 Year-2019 Thana- SITAMARHI District- Sitamarhi

SUBHAM SAH @ PRINCE @ TOTALA @ RAHUL SON OF RAVI
SHANKAR SAH Resident of Village - Basaha, P.S.- Bajpatti, Distt.-
Sitamarhi.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-06-2021 Heard Mr. Birendra Kumar, learned counsel for the
petitioner and Mr. Akshay Lal Pandit, Additional Public
Prosecutor for the State through video conferencing.

2. Petitioner has renewed his prayer for bail inasmuch
as earlier bail application of the petitioner was rejected by this
Court on 07.12.2020 *vide* Cr. Misc. No. 25632/2020, giving him
liberty to renew his prayer for bail after three months.

3. The allegation as per the First Information Report
is that on 03.09.2019 at about 18:00 Hrs. when the informant
and others were on patrolling duty got a secret information that
this petitioner along with the co-accused/ Sanjay Patel was
standing along with a motorcycle at Banswariya Bazar Samittee,
proceeded towards the place of occurrence and upon seeing the



police party both the miscreants after leaving the motorcycle fled away and also dropped arms near the place of occurrence. The people assembled there informed the police the name of the petitioner who threw the arm and the co-accused/ Sanjay Patel and the police recovered country made pistol with live cartridges and Apache motorcycle without registration no.

4. Learned counsel for the petitioner submits that the petitioner has been remanded in this case from Bajpatti PS Case No. 317/2019 and he was not arrested from the place of occurrence and nothing has been recovered from his possession. Learned counsel further submits that this Court while rejecting the prayer for bail of the petitioner observed that the petitioner may renew his prayer for bail after three months, if the trial does not show any progress. Learned counsel next submits that due to pandemic situation, the trial has not made any progress and the petitioner is in custody since 13.02.2020.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that due to pandemic situation the trial is not likely to be concluded in near future and the petitioner is in custody since 13.02.2020, I am inclined to grant regular bail to the petitioner subject to the condition that petitioner will be well represented



on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

6. Accordingly, let the petitioner, SUBHAM SAH @ PRINCE @ TOTALA @ RAHUL be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi PS Case No. 495/2019.

7. It is made clear that at the time of furnishing bail bonds all the parties shall follow the covid protocol like social/physical distancing and sporting masks.

(Anil Kumar Sinha, J)

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