

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31312 of 2020**

Arising Out of PS. Case No.-144 Year-2018 Thana- BISFI District- Madhubani

SHAMBHU SAHNI @ RAMBHU SAHNI Son of Bhannu Sahni @ Ram Prasad Sahni Resident of Village - Sahullapur Pokhrauni, P.S. - Bisfi, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

9 01-11-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bisfi P.S. Case No.144/2018 corresponding to G.R.No.476 of 2018 registered for the offences punishable under Section 306/34 of the Indian Penal Code. He is in custody since 23.07.2018. The petitioner has got no criminal antecedent.

Earlier the prayer for bail of the petitioner was



rejected by a learned Predecessor Bench of this Court vide order dated 17.10.2019 passed in Cr.Misc.No.9981 of 2019 with a direction that let the trial of the case be expedited.

Learned counsel for the petitioner submits that in this case the petitioner is in custody since 23.07.2018 and as such he has already spent more than three years three months in custody.

From the trial court's report it appears that out of six charge-sheet witnesses, four have been examined long back but the case was pending for evidence of one private person and the I.O. who were summoned vide order dated 16.12.2020. The learned Sessions Judge, Madhubani has in his letter no.07 dated 12.01.2021 made a statement that considering the fact that the sole accused is under custody in this case the case will be disposed of on priority basis within next six months.

Learned counsel for the petitioner submits that the six months period expired in July, 2021 but till date the position has not changed and as such the petitioner deserves privilege of bail at this stage.

Mr. Akhileshwar Dayal, learned APP for the State



has though opposed the prayer for bail of the petitioner but no cogent submission could be advanced before this Court as to why despite the fact that the trial has not proceeded for a quite long time and even the six months period requested by the learned Sessions Judge, Madhubani has expired much earlier, this Court should not grant privilege of bail to the petitioner.

Having regard to the facts and circumstances of the case particularly the period of custody already undergone by the petitioner as an under-trial prisoner, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipatti in connection with Bisfi P.S. Case No.144/2018 corresponding to G.R.No.476/2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And further condition that the petitioner shall attend the trial on each and every date fixed in the matter. His two consecutive defaults in putting appearance before the learned trial Court shall invite action towards cancellation of bail.

This application is disposed of accordingly.

(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'.

