

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 48112 of 2021

Arising Out of PS. Case No.-130 Year-1999 Thana- CHERIYA BARIYARPUR District-
Begusarai

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ARUN SAHNI S/o LATE SHEKHAR SAHNI @ SEKHO SAHNI R/o
MANJHAUL, BICKHANNA TOLA, P.S-CHERIYA BARIYARPUR,
DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Barnwal

For the Opposite Party/s : Mr. Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ram Sumiran Rai, the learned APP for the State.

The petitioner seeks regular bail in connection with Sessions Trial no. 470A/2009 arising out of Cheriya Bariyarpur PS case no. 130 of 1999 instituted for the offences punishable under Sections 302, 380/34 of Indian Penal Code and 27 of



Arms Act.

The facts not in dispute are that initially, the petitioner was granted bail vide order dated 22.06.2001, passed in Cr. Misc. no. 14348 of 2001 by a co-ordinate Bench of this Court, whereafter, he had furnished the bail bonds, however, on a couple of occasions, the bail bond of the petitioner was cancelled on account of non-appearance on the date so fixed by the learned court below in the on-going trial. It would suffice to state that the last time, the petitioner had misused the privilege of bail was on 24.10.2016, as such his bail bonds were cancelled and he was declared a proclaimed offender. Thereafter, the petitioner was again arrested on 07.07.2020, after a lapse of about 04 years and then the petitioner had applied for grant of bail before the learned trial court, however the same was rejected vide order dated 26.08.2020, which was then challenged before this Court in Cr. Misc. no. 35848 of 2020 and this Court by an order dated 20.01.2021 had rejected the prayer of the petitioner for grant of bail, inasmuch as the petitioner had been found to have impeded and protracted the trial as also had misused the privilege of bail on a couple of occasions. The petitioner had then again moved the learned court below for grant of bail, however the learned court below by an order dated 15.04.2021 passed in Sessions



trial no. 478 of 2009 has been pleased to reject the prayer of the petitioner for grant of bail, nonetheless, the Ld. Trial Court has observed in the said Order dated 15.04.2021 that on account of suspension of the functioning of the learned trial court due to the prevailing situation on account of Covid-19 Pandemic, there is no chance of conclusion of the trial at an early date.

The learned counsel for the petitioner has submitted that the petitioner is the only earning member of the family and the entire family depends upon him, hence a lenient view be taken, in view of the fact that the petitioner is languishing in custody since 07.07.2020 and the trial is not likely to be completed in the near future.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that the petitioner is a habitual defaulter and has jumped bail on couple of occasions.

I have heard the learned counsel for the parties and perused the materials on record. This Court finds that the petitioner is languishing in custody since 07.07.2020 and on account of prevailing Covid- 19 Pandemic situation, the on-going trial is not likely to be completed in the near future,



hence though I deem it fit and proper to extend the privilege of bail to the petitioner but subject to fulfillment of such stringent conditions as may be deemed fit and proper to be imposed by the learned Court Of Fast Track Court-1, Begusarai, in connection with Sessions Trial no. 470A/2009 (arising out of Cheriya Bariyarpur PS case no. 130 of 1999), with a view to ensure presence of the petitioner on each and every date, so fixed by the learned court below.

The present petition stands allowed on the aforesaid terms.

(Mohit Kumar Shah, J)

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