

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36738 of 2020

Arising Out of PS. Case No.-11 Year-2011 Thana- PATAHI District- East Champaran

Shankar Sahani @ Kunal, Son of Badri Sahani, Resident of Village - Patahi
Pachagachhiya, P.S. - Patahi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 07-04-2021 The matter has been heard online because of Covid-19 pandemic restrictions.

Heard learned counsel for the parties.

This application for regular bail arises out of Patahi P.S. Case No. 11 of 2011, disclosing offence punishable under Sections 302, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the C.L.A. Act.

The FIR was registered in 2011 and in course of investigation the petitioner's name had surfaced. The petitioner had earlier approached this Court for grant of regular bail, which was rejected by an order dated 19.03.2020, passed in Cr. Misc. No. 86722 of 2019, considering the circumstance that he could be apprehended eight years after lodging of the FIR in 2019. The Court noticed his criminal antecedent also while rejecting his prayer for bail.



Learned counsel appearing on behalf of the petitioner has submitted that the petitioner was unaware of his implication in the present case and, therefore, he had not surrendered. He has further submitted that, in any view of the matter, the petitioner has remained in custody since 16.09.2019, he deserves to be released on bail. He has also referred to certain orders passed by this Court, whereby other co-accused persons, namely, Rudal Sahani, Santu Paswan and Ram Naresh Paswan have been allowed regular bail.

A report was called for from the court below from which it transpires that the case has been committed to the court of sessions for trial.

For the present, I am not inclined to grant the petitioner privilege of regular bail. The petitioner shall, however, be at liberty to approach this Court renewing his prayer for bail, if there is no substantial progress at the trial after six month.

(Chakradhari Sharan Singh, J)

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