

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9866 of 2021

Arising Out of PS. Case No.-931 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

=====

KRISHNA SAHNI @ KISHAN SON OF JANAK SAHNI RESIDENT OF
VILLAGE- GOSAIPUR, P.S- HIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raju Kumar

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-09-2021 Heard Mr. Raju Kumar, learned counsel for the

petitioner and Mr. Md. Ataur Rahman, learned Additional Public

Prosecutor appearing for the State, through Video conferencing.

Petitioner seeks regular bail in connection with

Ahiyapur P.S. Case No. 931 of 2019, registered for the offences

punishable under Sections 399, 402, 414, 411 of the Indian

Penal code and Section 25 (1-b)a, 26 and 35 of Arms Act and

Section 20/22 of N.D.P.S. Act.

This is second attempt for grant of regular bail on

behalf of the petitioner inasmuch as earlier the bail application

of the petitioner was rejected by this Court vide order dated

28.05.2020, passed in Cr. Misc. No.763 of 2020, with liberty to

renew his prayer for grant of regular bail after one year, if the

trial does not show any progress.

The allegation against the petitioner in short is that police got secret information that some miscreants having arms assembled near the place of occurrence for committing crime proceeded towards Litchi orchard and upon seeing the police party, 8-9 persons started fleeing away but some of them were apprehended including the petitioner. Police recovered one loaded country-made pistol with two live cartridges from the possession of the petitioner and 27 sachets of smack, match box two mobile phones from the possession of the co-accused persons.

Learned counsel for the petitioner submits that while rejecting the bail application of the petitioner, the petitioner has been given liberty to renew his prayer for bail after one year, if the trial does not show any progress. Learned counsel further submits that similarly situated accused persons have already been granted bail by this Court vide order dated 12.12.2019 and 18.12.2019 passed in Cr. Misc. No.82498 of 2019 and Cr. Misc. No.77215 of 2019 respectively. He also submits that the petitioner is in custody since 08.08.2019.

This Court vide its order dated 18.08.2021 had called for a report regarding the stage of trial and in pursuance thereof,

Ist Addl. District & Sessions Judge has submitted his report dated 27.08.2021 and from perusal of the same, it appears that none of the witnesses have been examined by the prosecution as yet.

Regard being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 08.08.2019 and the trial is not likely to be concluded in near future due to Covid-19 pandemic and this is second attempt for grant of regular bail on behalf of the petitioner and similarly situated accused persons have been granted bail by a Coordinate Benches of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Ist Addl. Sessions Judge, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 931 of 2019, on the condition that the petitioner shall remain physically present in court below on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--