

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5282 of 2022

Arising Out of PS. Case No.-308 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

Rameshwar Sahani @ Ram Ishwar Sahai, son of Lalmuni Sahani, Resident of
Village- Sanathi Dih, P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-09-2022 Heard learned counsel for the petitioner and Md.
Fahimuddin, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail in connection with Bochahan P.S. Case No. 308/2019 registered for the offence under Sections 147, 148, 149, 447, 341, 323, 325, 315, 307, 302, 504, 506 of the Indian Penal Code read with Section 27 of the Arms Act. Petitioner has got no criminal antecedent as stated in paragraph '3' of the application. He is in custody since 09.07.2020.

Earlier the prayer for bail of the petitioner was rejected vide order dated 22.09.2021 passed in Cr. Misc. No. 16173/2021.

Learned counsel for the petitioner submits that while rejecting the prayer for bail of the petitioner this Court had directed the learned trial court to expedite the trial, but till date the trial has not proceeded and even the charge has not been framed. Petitioner is in custody since 09.07.2020, therefore, he has already spent more than two years in custody. It is submitted that the petitioner has



otherwise no criminal antecedent.

Mr. Md. Fahimuddin, learned A.P.P. for the State does not dispute the aforesaid submissions of learned counsel for the petitioner.

In the given facts and circumstances of the case, this Court directs that if the submission of learned counsel for the petitioner that the charge has yet not been framed is found to be correct, the petitioner shall 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 A.C.J.M. - 14, Muzaffarpur in connection with Bochahan P.S. Case No. 308 of 2019, Tr. No. 347/2019, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

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'.

