

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17246 of 2022

Arising Out of PS. Case No.-376 Year-2019 Thana- SUGAULI District- East Champaran

1. SARFARAJ KHAN @ BHANU KHAN SON OF KALUTH KHAN R/O VILLAGE- NARKARDEI, P.S.- SUGAULI, DISTRICT- EAST CHAMPARAN
2. TABREJ KHAN @ AFATAB KHAN SON OF LALMAHAND KHAN @ LAL KHAN R/O VILLAGE- NARKARDEI, P.S.- SUGAULI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi
For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-05-2022 Heard both sides.

Petitioners seek regular bail in connection with Sessions Trial No. 06 of 2021 arising out of Sugauli PS Case No. 376 of 2019 registered under Sections 376 , 302 and 34 of the IPC.

Petitioners have renewed their prayer for bail after one year on the basis of the observation given by this Court while rejecting the bail application of the petitioners vide order dated 03-06-2020 passed in Cr. Misc. Nos. 5392 / 2020 & 6546 / 2020.

The allegation against the petitioners is that in the night of 05.09.2019 the petitioners entered into the house of the



deceased (daughter of the informant) where she was sleeping along with her four children and finding her alone the accused persons forced themselves in order to commit illicit relationship with her. Upon *hulla*, children of the deceased woke up and when the deceased resisted the petitioners, they strangled her with her scarf (*dupatta*) and fled away.

This Court while rejecting the bail application of the petitioners earlier had granted them liberty to renew their prayer for bail after one year if the trial does not show any progress.

Learned counsel for the petitioners submits that trial has not registered any progress as yet.

This Court by its order dated 06-04-2022 has called for a report regarding the stage of the trial and in pursuance thereof learned 20th Addl. District & Sessions Judge, Motihari, East Champaran vide his letter no. 160 dated 19 / 04 / 2022 has furnished the report and from perusal of the same it appears that charges have been framed and none of the charge sheet witnesses out of nine have been examined. Petitioners are in custody since 15-10-2019 and 16-09-2019 respectively i.e. for about more than 02 years.

Regard being had to the submissions made by the parties, taking into consideration the observation given by this



Court earlier, the fact that petitioners have remained in custody for more than 02 years and there is tardy progress in the trial, as such, I am inclined to grant regular bail to the petitioners.

Let the petitioners, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran / concerned court in connection with Sessions Trial No. 06 of 2021 arising out of Sugauli PS Case No. 376 of 2019 on the following condition:-

(a) that the petitioners shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioners, their bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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