

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44898 of 2021**

Arising Out of PS. Case No.-124 Year-2019 Thana- SHEOHAR District- Sheohar

SATISH JHA Son of Jay Narayan Jha Resident of Village - Sugiya Katsari,
P.S.- Sheohar, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Informant	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State		Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 12-01-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Sheohar P.S.
Case No. 124 of 2019 corresponding to Sessions Trial No. 97/19
registered for the offences punishable under Sections 302,
120(B), 34 of the IPC and 27 of the Arms Act.

The informant Phuldeo Sahani, the brother of the
deceased and the injured, alleged that while he was returning to
his house and when he reached near the house of Lalan Jha,



petitioner along with other accused surrounded him and the informant after seeing them started fleeing away. The informant saw that Jagi Jha, Raushan Jha and Satish Jha were indiscriminately firing from their pistols. Jagi Jha and Raushan Jha made indiscriminate firing on Indradeo Sahani and Satish Jha (petitioner) made firing on Sone Lal Sahni. Indradeo Sahani and Sonelal Sahani got firearm injuries and they were brought to S.K.M.C.H. for treatment where Indradeo Sahani succumbed to the injury.

In the past, prayer for bail of the petitioner was refused on 16.03.2020 vide Cr. Misc. No. 81641 of 2019 with direction to the learned trial court to hold the trial on day to day basis and conclude the same within one year from the date of receipt of that order. However, it was observed by co-ordinate Bench of this court that if the trial is not concluded within one year, the petitioner may renew his prayer for bail.

Vide order dated 10.12.2021, a report was called for, with regard to the stage of the trial.

The report of the learned trial court would reveal that case is still pending for prosecution evidence.

Learned counsel for the petitioner submits that prosecution is trying to delay the trial by giving application for



transfer of the case from one court to another court. It is further submitted that during entire investigation, there is no injury report of SKMCH of injured Sonelal Sahni and there is only a report from a private hospital, namely, Nobel Hospital which shows two lacerated wound on the body of the injured. Learned counsel further submits that it appears that there is no chance of conclusion of the trial in near future. Petitioner is in custody since 16.09.2019.

Learned counsel for the informant as well as learned Additional Public Prosecutor vehemently opposed the prayer of bail submitting that there is direct allegation against the petitioner and petitioner carries two criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Sheohar in connection with Sheohar P.S. Case No. 124 of 2019 corresponding to Sessions Trial No. 97/19, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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