

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41980 of 2022

Arising Out of PS. Case No.-38 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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SANDRIKA PRASAD SAH @ BHAGATJEE@ MUKHIYAJEE Son of Late
Mukhalal Sah Resident of Village - Pachrukha, Lakhansen, P.S.- Banjariya,
Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Lallan Kumar, Inspector (Private Customs Preventive) Motihari. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Vikash Kumar Pankaj, Advocate
For the Opposite Party/s :	Mr. Dilip Kumar No. 1, APP
	Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner, learned
central government counsel and learned A.P.P. for the State.

A counter affidavit has been filed on behalf of the
authorities and a reply to the counter affidavit has also been
filed on behalf of the petitioner.

Learned counsel for the petitioner has raised an issue
that this petitioner has been falsely roped in the case as all the
official documents were against Chandrika Sah who is own
brother of this petitioner who died on 18.06.2020 after
institution of the present case. Learned counsel next submits that
during the course of trial also this fact has surfaced as would be



evident from the deposition of the prosecution witnesses. It is further submitted that no doubt the offence is heinous but then an innocent man should not be put behind bars and that too on a mistaken identity.

Learned central government counsel submits that trial has progressed and he has instructions to submit that within six months from today, the trial will be completed as all the witnesses are official, provided the petitioner cooperates in the trial.

In view of the submissions made by the learned central government counsel, the Court is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.

However, if the trial is not concluded within a period of six months from today, then the petitioner will be at liberty to renew his prayer for bail before the learned trial court itself and if the learned trial court comes to a conclusion that the trial was not delayed on account of the petitioner then will pass orders in accordance with law keeping the said fact in mind and the undertaking given by the learned central government counsel.

(Satyavrat Verma, J)

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