

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48320 of 2022

Arising Out of PS. Case No.-151 Year-2012 Thana- KUDHNI District- Muzaffarpur

BHARAT SAHNI S/o Late Ram Singar Sahni Resident of Village- Madhopur,
Chikani, P.S.- Kurhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi, Adv. Mr. Shivam, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-09-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

The earlier prayer for bail of the petitioner was rejected vide orders contained in Annexure-1 series, the last order of rejection being dated 8.12.2021.

As per the prosecution case, the petitioner is said to have fired on the deceased causing his death.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide orders dated 30.11.2018, 4.9.2019, 6.7.2020 and 8.12.2021. The petitioner has remained in custody since 13.6.2018 and there is



no chance of the trial concluding in the near future. It is further submitted that the deceased himself was a criminal and the manner of occurrence is other than what has been narrated in the F.I.R. Referring to the ordersheet of the learned trial court ie Sessions Trial no.190 of 2019 pending in the Court of learned Additional Sessions Judge VIII, Muzaffarpur, learned counsel for the petitioner submits that from perusal of the same it transpires that the last order of rejection of this Court dated 8.12.2021 was received in the learned trial court on 17.12.2021. In spite of the direction of this Court and about two dates being given in the learned trial court every month, no further prosecution witness has been examined. Non production of the prosecution witness has been noted by the learned trial court in its order dated 26.5.2022, 30.5.2022 and 12.7.2022. The petitioner has remained in custody for 4 years 3 months and undertakes to cooperate in the trial. All the four witnesses examined on behalf of the prosecution having turned hostile.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the material on record especially the petitioner having remained in custody for 4 years 3 months since 13.6.2018, all the witnesses examined not having



supported the allegations against the petitioner together with no witness having been produced in the learned trial court since the last more than one year inspite of the order of this Court having been received in the learned trial court on 17.12.2021, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.190 of 2019 (arising out of Kurhni P.S. Case no.151 of 2012) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VIII, Muzaffarpur on the following conditions:

(I) One of the bailors of the petitioner shall be a close relative of the petitioner, and

(ii) The petitioner shall remain physically present in the trial court on each date and shall cooperate in the trial.

(Partha Sarthy, J)

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