

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51022 of 2022

Arising Out of PS. Case No.-51 Year-2020 Thana- BASANHI District- Saharsa

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1. SANTOSH KUMAR NIRALA SON OF LATE CHHEDI MEHTO R/O VILLAGE- PASRAHA, P.S.- PASRAHA, DISTRICT- SAHARSA
 2. HIMMAT KUMAR SON OF SANTOSH KUMAR NIRALA R/O VILLAGE- PASRAHA, P.S.- PASRAHA, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Pankaj Kumar, Advocate

For the Opposite Party/s : Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 21-12-2022 Heard Dr. Pankaj Kumar, learned counsel for the

petitioners and Md. Aslam Ansari, learned Additional

Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with
Sessions Trial No. 104 of 2020 arising out of Basanahi P.S.
Case No. 51 of 2020 registered for the offences punishable
under Sections 302, 120-B of the Indian Penal Code 1860
and Section 27 of the Arms Act.

This is second attempt for grant of regular bail on
behalf of the petitioners inasmuch as earlier the bail
application of the petitioners was rejected by this Court vide
order dated 2.2.2021 passed in Cr. Misc. 35326 of 2020



with liberty to renew his prayer for grant of regular bail after one year if the trial does not record any progress.

The allegation against the petitioners is that the petitioners in criminal conspiracy killed the son of the informant and while they were carrying the dead body on a Motorcycle for disposing the same, petitioners apprehended by the Police along with the Motorcycle.

Learned counsel for the petitioners submits that from the date of last rejection of the bail application, the trial has not progressed substantially and out of eleven witnesses, four have only been examined. The petitioners are in custody since 7.6.2020. Learned counsel further submits that from perusal of the First Information Report, it appears that the petitioners were arrested on 7.6.2020 on the spot while they were allegedly carrying the dead body whereas in the final form the date of arrest of the petitioners has been shown by the prosecution on 7.8.2020. He next submits that in paragraph-12 of the case diary, it has been mentioned that the Police has arrested the petitioners on 6.6.2020 from their houses which is self contradictory inasmuch as the claim of the informant in the First



Information Report is that the petitioners have been arrested along with the dead body on 6.6.2020.

This Court vide order dated 28.9.2022 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned Sessions Judge, Saharsa, dated 11.10.2022 is on record and from perusal of the same, it appears that out of 11 charge sheet witnesses, four have been examined.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioners are in custody since 7.6.2020 and this is second attempt for grant of bail of the petitioners, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Sessions Trial No. 104 of 2020 arising out of Basnahi P.S. Case No. 51 of 2020 subject to the condition that the petitioners will



be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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