

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51545 of 2022

Arising Out of PS. Case No.-85 Year-2010 Thana- RAGHOPUR District- Vaishali

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SOHAN RAI @ SOHAN GOPE Son of Late Chandeshwar Rai R/V- Saidpur,
Hulas Jafrabad P.S- Raghobpur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Adv.
Mr. Ashok Kumar Mishra
For the Opposite Party/s : Mr. Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-11-2022 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 51 of 2019, arising out of Raghobpur Police
Station Case No. 85 of 2010, registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

This is the fourth attempt on behalf of the petitioner
for grant of regular bail. On the last occasion, the prayer for
regular bail of the petitioner was rejected by this Court, vide
order, dated 22.02.2022, passed in Criminal Misc. No. 30633 of
2021, giving liberty to the petitioner to renew his prayer for bail
after six months from the date of the order, if the trial does not



record any progress.

The allegation against the petitioner, as per the First Information Report, is that the petitioner, along with other accused persons, is said to have fired indiscriminately upon the brother of the informant, due to which he died.

Learned Senior Counsel for the petitioner submits that while rejecting the prayer for bail of the petitioner, vide order, dated 22.02.2022, this Court had taken note of the fact that the petitioner absconded for a long period and even thereafter this Court had granted the petitioner liberty to renew his prayer for bail after six months taking into consideration the fact that the petitioner is in custody since 31.05.2019. He next submits that co-accused persons, namely, Dahaur Rai (by order, dated 13.01.2020, passed in Criminal Misc. No. 70638 of 2019) and Ajay Rai (by order, dated 14.08.2015, passed in Criminal Misc. No. 30759 of 2015), have been granted regular bail by co-ordinate Benches of this Court.

This Court, vide order, dated 28.09.2022, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 13th Additional Sessions Judge, Vaishali, at Hajipur, and from perusal of the same, it appears that out of 10



chargesheeted witnesses, 02 have been examined and 08 are yet to be examined.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 31.05.2019, co-accused persons have been granted bail by this Court, only two prosecution witnesses out of ten have been examined during the trial and this is fourth attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge, Vaishali, at Hajipur, in connection with Sessions Trial No. 51 of 2019, arising out of Raghapur Police Station Case No. 85 of 2010.

This is subject to the conditions that

(i) the petitioner will supply his mobile number at the time of furnishing bail bonds and shall keep the said mobile number in working condition till the conclusion of the trial;

(ii) the petitioner will report to the Station House Officer, Raghapur Police Station, fortnightly, and shall also



furnish his active mobile number to the Station House Officer,
Raghopur Police Station; and

(iii) the petitioner shall present himself before the
Court, as and when required and in the event of failure on his
part to appear before the Court on two consecutive occasions,
his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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