

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22652 of 2023

Arising Out of PS. Case No.-126 Year-2020 Thana- MAIRWAN District- Siwan

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Dhananjay Sahani S/o Khaki Shahni Resident of village- Imlauli, P.S.-
Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2023 Heard Ms. Kumari Anupam, learned counsel

appearing on behalf of the petitioner and Mr. Sanjay Kumar

Singh, learned Additional Public Prosecutor for the State.

The petitioner is renewing his prayer for bail in
connection with Mairwa P.S. Case No. 126 of 2020 giving rise
to Sessions Trial No. 167 of 2020 registered for the offences
punishable under Sections 302, 201 and 120B read with 34 of
the Indian Penal Code.

Earlier, the prayer for bail of the petitioner was
rejected vide order dated 26.07.2022 passed in Cr. Misc. No.
24542 of 2021 after taking into consideration the nature of
accusation as well as the materials available on record.
However, while rejecting the bail, liberty was granted to the
petitioner to renew his prayer for bail after six months, if the



trial would not be concluded.

Learned counsel for the petitioner submits that despite direction of this Court to expedite the trial and conclude the same within a period of six months, as of now, out of nine prosecution witnesses, only three of them have been examined and there is no likelihood of the conclusion of the trial in near future. She further submits that other co-accused persons have already been enlarged on bail and their orders have been brought on record by way of Annexure-3 series to the petition. She next submits that now the petitioner is in custody for over a period of three years and he is sufficiently punished.

On the other hand, learned counsel for the State while opposing the bail application submits that, in fact, the weapon which is said to have been used in the crime, has been recovered on the disclosure of the petitioner and the trial would be concluded expeditiously.

Regard being had to the submissions made on behalf of the parties and considering the liberty granted to the petitioner and the fact that there is no chance of conclusion of the trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-III, Siwan in connection with Mairwa P.S. Case No. 126 of 2020 giving rise to Sessions Trial No. 167 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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