

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44774 of 2023

Arising Out of PS. Case No.-259 Year-2020 Thana- SAUR BAZAR District- Saharsa

Anil Kumar Sah @ Anil Kumar Son of Ramadhin Sah Resident of village -
Arraha, P.S. - Sourbazar, Distt- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Adv.
Mr. Kanchan Jha, Adv.
Mr. Madhav Jha, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-09-2023 Heard Mr. Arun Kumar Jha, learned counsel for the

petitioner and Mr. Satyendra Narayan Singh, learned Additional

Public Prosecutor for the State.

2. By filing the present application, the petitioner has
made second attempt, seeking bail in connection with Sourbazar
P.S. Case No. 259 of 2020, registered for the offences
punishable under Sections 363 and 365 read with 34 of the
Indian Penal Code.

3. Earlier, the prayer for bail of the petitioner was
negated by this Court in Criminal Misc. No.44309 of 2021 vide
order dated 02.08.2022 after taking into consideration the
materials available on record and also the fact that the victim
had gone to Phatih Sah, Punjab along with the petitioner and
thereafter she disappeared but neither any sincere effort was
taken by the petitioner in tracing out his wife nor instituted a



case promptly for her missing. However, while negating the prayer for bail, this Court had granted liberty to the petitioner to renew his prayer for bail, if the trial is not concluded within a period of six months.

4. On 19.07.2023, the present status report of the trial was called for from the jurisdictional court and it has been informed to this Court that the case has been committed to the Court of Sessions on 07.08.2023.

5. Learned counsel for the petitioner submits that so far the merit of the case is concerned, the prayer for bail of the petitioner has already been rejected. However, he submits that the petitioner has been incarcerated for over a period of two years and eight months and there is no likelihood of the conclusion of the trial in near future.

6. On the other hand, learned counsel for the State opposes the bail application and submits that there is no overwhelming circumstances warranting any reconsideration for prayer of bail as earlier the same has been rejected.

7. Regard being had to the submissions made on behalf of the parties and considering the position of law that deprivation of the personal liberty by keeping a person behind the bar for an indefinite period without providing any



expeditious remedy of trial is quite inconsistent to Article 21 of the Constitution, and the petitioner is in custody for about two years and eight months and till date only the case has been committed to the Court of Sessions, 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 C.J.M. Saharsa in connection with Sourbazar P.S. Case No. 259 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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