

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49231 of 2023

Arising Out of PS. Case No.-50 Year-2021 Thana- PUNAURA District- Sitamarhi

NAWAL SAHANI Son of Lakshami Sahani Resident of village - Madanpur,
P.S. - Parsauni, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 25-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Punaura
P.S. Case No.50 of 2021 registered for the offences punishable under
Sections 366(A), 302, 201, 120(b) of the IPC.

3. As per prosecution case, the son of the informant
was kidnapped and demand of Rs. 10 lakh was made by way of
ransom.

4. Learned counsel for the petitioner submits that on
11.08.2022 the bail of the present petitioner has already been rejected
by this Court Vide Cr. Misc. No. 71937 of 2021 with an observation
that trial court is directed to conclude the trial preferably within nine
months from the date of receipt/production of copy of this order. He
further submits that the FIR was registered against accused persons
using the mobile numbers from which the demand of ransom was



made. Learned counsel further submits that the petitioner was not named in the FIR and his name transpired in the present case upon the confessional statement of co-accused. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner bears no criminal antecedent. He further submits that since the date of rejection of the prayer for bail of the petitioner, there was no progress in the trial of the case and the delay of trial is not attributable to the petitioner as he is custody since 23.03.2021.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner has already been rejected on merit vide order dated 11.08.2022 passed in Cr. Misc. No. 71937 of 2021. Learned APP further submits that in course of investigation the accused persons were arrested and the confessional statement of the five named accused persons including the present petitioner was recorded which led to recovery of the dead body of informant's son.

6. A report regarding stage of trial has been called for vide order dated 02.08.2023. The trial court vide letter no. 167/2023 has sent its report in which it has been submitted that seven witnesses have been examined including I.O. and Doctor. The report further reveals that four prosecution witnesses are yet to be examined including informant (mother of deceased), father of deceased and seizure list witnesses.

7. Considering the facts and circumstances of the case,



particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, trial court is directed to conclude the trial within three months from the date of receipt/production of copy of this order and if the trial is not concluded within three months, petitioner may renew the prayer for bail.

(Alok Kumar Pandey, J)

vashudha/-

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