

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58914 of 2023

Arising Out of PS. Case No.-251 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Sohan Sah @ Sohan Kumar, Son Of Sudin Sah R/o Vill- Bakhadda Sanha
Uttar, P.S- Sahebpur Kamal District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Session Trial no. 852 of 2022 (arising out of Sahebpur Kamal P.S Case no.251 of 2021) registered under sections 302, 120B, 147, 148 and 149 of the Indian Penal Code.

3. The earlier application for bail of the petitioner was rejected vide order dated 6.1.2023 passed in Cr. Misc. no.15401 of 2022.

4. As per the prosecution case, the twelve named accused persons including the petitioner herein are said to have surrounded and assaulted the son of the informant. The petitioner assaulted him with a *katta* on his head resulting in his death.



5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The allegations are general and omnibus in nature. The manner of occurrence and death of the deceased is other than what has been narrated in the F.I.R. The petitioner is in custody since 3.10.2021 and there is no chance of the trial concluding in the near future.

6. The prayer for bail is opposed by learned A.P.P for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 5.10.2023, although charge was framed on 15.6.2023, no witness has been examined on behalf of the prosecution inspite of issuance of summons to the non-official witnesses on 7.7.2023 as also issuance of bailable warrants to the witnesses on 4.10.2023.

8. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R, the petitioner having remained in custody since 3.10.2021, charge having been framed in the learned trial Court and the contents of the report received in the learned trial Court from which it transpires that the witnesses are not appearing to depose in course of trial, the petitioner is directed to be enlarged



on bail in connection with Session Trial no. 852 of 2022 (arising out of Sahebpur Kamal P.S Case no.251 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge III, Begusarai.

(Partha Sarthy, J)

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