

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63769 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- SASARAM NAGAR District- Rohtas

Shankar Sah @ Babuan, Son of Jamindar Sah, Resident of Village -
Fazalganj, Sasaram, P.S.- Sasaram(T), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D. K. Sinha, Sr. Advocate
Mr. Alexander Ashok, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-11-2023 1. Heard learned Senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sasaram Town (Darigaon) P.S. Case no. 183 of 2022, registered under section 364A of the Indian Penal Code.

3. The earlier application for bail of the petitioner was rejected vide order dated 17.1.2023 (Annexure-P/1) passed in Cr. Misc. no. 41737 of 2022.

4. As per the prosecution case, the father of the informant was beaten up by unknown accused persons and kidnapped.

5. It is submitted by learned Senior counsel for the



petitioner that the petitioner has been falsely implicated in the case. Inspite of his being in custody since 2.4.2022 and cooperating in the trial, charges were framed only in February, 2023 and even after more than 8 months no witness has been examined. There is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial.

6. The application for bail is opposed by learned APP for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 16.10.2023, charges were framed against the petitioner and others on 17.2.2023, however no witness on behalf of the prosecution has been examined till the date of the report ie 16.10.2023. Further the Court is vacant since 8.8.2023.

8. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner, no witness having been examined on behalf of the prosecution inspite of charge having been framed more than 8 months ago on 17.2.2023, the Court having become vacant since 8.8.2023 and the petitioner having remained in custody for more than 1 year 7 months since 2.4.2022, the petitioner is directed to be enlarged on bail in connection with Sasaram Town (Darigaon)



P.S. Case no. 183 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram.

9. It is further directed that the trial having commenced, the petitioner shall remain physically present in the trial court on each date of the trial and shall cooperate in the trial. In case of the petitioner is absent on any date for reasons not to the satisfaction of the learned trial court or in case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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