

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62662 of 2023

Arising Out of PS. Case No.-112 Year-2020 Thana- NADI P.S. District- Patna

DEEPAK KUMAR @ DEEPAK SAHANI SON OF KRISHNA SAHANI @
KRISHNA CHAUDHARY RESIDENT OF VILLAGE- SAMMASPUR
TRIVENI GHAT, PS- NADI, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 3 03-11-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in connection with Nadi
P.S. Case No. 112 of 2020 registered for the offences punishable
under Sections 302, 201 and 379 of the Indian Penal Code.
3. As per prosecution case, unknown person killed the
informant's maternal grandmother and stole jewellery, LED TV,
mobile and set top box of Tata company.
4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired during the course of investigation, upon the
disclosure of Spy. He further submits that petitioner bears
criminal antecedent of one case in which he is on bail. He



further submits that the bail prayer of the present petitioner has been rejected by this Court vide Cr. Misc. No. 42220 of 2022 on 30.01.2023 with direction to conclude the trial within six months from the date of receipt/production of said order and if trial is not concluded within the said stipulated period, the petitioner may renew prayer for bail. He further submits that since the date of rejection of previous bail order of petitioner, nine months have already been spent but up till now, this case has not been committed to the court of sessions for trial. He further submits that delay of trial is not in any way attributable to the petitioner as he is in custody since 01.09.2021. He further submits that petitioner is ready to co-operate in trial. He further submits that in the light of aforesaid submission, petitioner deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that at the instance of the petitioner, recovery is made but he fairly conceded to the submission of the learned counsel for the petitioner that this case has not been committed to the court of sessions for trial and due to said reason, trial has not begun as yet.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court



vide letter no. 109/2023 has sent its report which clearly indicates that case record is at the stage of appearance and case has not been committed to the court of sessions as yet.

7. Considering the facts and circumstances of the case, period of custody undergone by the petitioner is more than two years, trial is not concluded within the stipulated period, even case has not been committed to the court of sessions as yet and delay of trial is not in any way attributable to the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, Patna in connection with Nadi P.S. Case No. 112 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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