

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76886 of 2023

Arising Out of PS. Case No.-300 Year-2021 Thana- MOKAMAH District- Patna

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SOHAN RAI SON OF LATE BALGOVIND RAI RESIDENT OF VILLAGE
- MEKRA, P.S. - MOKAMA, DISTRICT - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-11-2023 Heard Ld. counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Mokama P.S. Case No. 300 of 2021 registered for the offences
punishable under Sections 304B/ 34 of the Indian Penal Code.

3. Ld. counsel for the petitioner submits that the
petitioner had moved this Court earlier for regular bail *vide* Cr.
Misc. No. 19449 of 2022, which was rejected with an
observation that if the trial is not concluded within a period of
six months, the petitioner will be at liberty to renew his prayer
for bail. He further submits that since the trial has not been
concluded in the stipulated time, the petitioner, vide present
application, has renewed his prayer for bail. He refers to the
order dated 12.09.2023 passed by Ld. Additional Sessions
Judge-III, Barh, Patna to show that trial is not concluded and the



trial is at the stage of prosecution evidence. He also submits that he has not moved earlier for grant of anticipatory bail except for the regular bail which was rejected by this order vide order dated 01.02.2023 in Cr. Misc. No. 19449. It is also submitted that the petitioner has got no criminal antecedent.

4. Ld. APP for the State opposes the prayer of the petitioner for bail.

5. Considering the aforesaid facts and circumstances, particularly the fact that the trial has not yet been concluded, this **application is allowed**, directing the petitioner, above named, to be enlarged on bail on his furnishing bail bond in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-III, Barh, Patna in connection with Mokama P.S. Case No. 300 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make



any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding the previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

6. Ld. Counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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