

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23649 of 2024

Arising Out of PS. Case No.-26 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Dilip Sahni S/o Late Ram Badan Sahni R/o vill - Manjhaul, P.S. -
Cheriyabariyarpur, 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. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Sessions Trial no. 629 of 2021, arising out of Cheriya Bariyarpur P.S. Case no.26 of 2021 registered under sections 366, 367, 368, 370 and 371 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that the petitioner developed proximity with his wife. She was allured away on the false promise of getting a job and probably sold to a human trafficking gang for the purpose of prostitution.

4. Learned counsel for the petitioner submits that the earlier applications for bail of the petitioner were rejected vide orders dated 9.5.2022 passed in Cr. Misc. no.55276 of 2021 and dated 19.7.2023 passed in Cr. Misc. no.12094 of 2023. In spite



of the petitioner having remained in custody since 1.4.2021 and cooperating in the trial, the trial has still not concluded and there is no chance of the same concluding in the near future. The petitioner undertakes to abide by the conditions which may be laid for his release on bail.

5.The application for bail is opposed by learned A.P.P for the State.

6. A report was called for from the learned trial Court. As per the report received from the learned Additional District and Sessions Judge, Manjhaul (Begusarai), six witnesses have been examined on behalf of the prosecution on 13.1.2023, 3.2.2023, 21.2.2023, 25.5.2023, 16.6.2023 and lastly on 4.7.2023. The informant and the Investigating Officer of the case remain to be examined. It is further stated that warrant has been issued against the unofficial witness and also summon against the official witness. It thus transpires that the last witness having been examined on behalf of the prosecution on 4.7.2023 and more than 9 months having passed since then, the informant is not interested in taking the trial to its conclusion.

7. In view of the facts and circumstances of the case together with the petitioner having remained in custody for 3 years since 1.4.2021, the petitioner is directed to be enlarged on



bail in connection with Sessions Trial no. 629 of 2021 (arising out of Cheriya Bariyarpur P.S. Case no.26 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 learned Additional District & Sessions Judge, Manjhaul, Begusarai on the following conditions :-

(I) The petitioner shall remain physically present in the learned trial Court on each date and shall cooperate in the trial.

(II) In case the petitioner remains absent on any single date for reasons not to the satisfaction of the learned trial Court or 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 bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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