

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22847 of 2024

Arising Out of PS. Case No.-404 Year-2021 Thana- HARNAUT District- Nalanda

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Sohaban Yadav @ Sohaban Singh S/O- Late Amak Yadav @ Ambika Singh
R/O- Village- Nahusa Bigha, P.S.- Harnaut, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Chand Pandey, Advocate
For the Informant	:	Mr. Sanjay Prasad, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Shashi Chand Pandey, learned counsel for the petitioner, Mr. Sanjay Prasad, learned counsel for the Informant and Mr. Mithlesh Kumar Khare, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 09.12.2021, in connection with Sessions Trial No 100 of 2022/219 of 2022 arising out of Harnaut P.S. Case No. 404 of 2021, F.I.R. dated 05.09.2021 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and later on Section 302/34 of the Indian Penal Code was added.

3. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case.

4. Earlier the bail petition of the petitioner was rejected vide order dated 03.04.2023 passed in Cr. Misc. No. 46491 of 2022 and thereafter the petitioner again moved for bail before this Hon'ble Court in Cr. Misc. No. 74395 of 2023 which was dismissed as withdrawn with liberty to file a fresh application before the learned Court below vide order dated 15.12.2023.

5. Learned counsel for the petitioner submits that from perusal of the F.I.R. it appears that the petitioner has assaulted to the deceased along with other co-accused persons although there is specific allegation against the petitioner but there is no repetition of blow and there was no intention to kill the deceased.

6. Vide order dated 20.03.2024, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 03.04.2024 reveals that out of eleven (11) chargesheeted witnesses, four (04) witnesses have already been examined.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since



09.12.2021 more than two and half years.

8. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that although five witnesses have been examined.

9. Considering the aforesaid facts, the report of the learned Trial Court as well as the period of custody, 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 Additional Sessions Judge-II, Bihar Sharif (Nalanda) in connection with Sessions Trial No. 100 of 2022/219 of 2022 arising out of Harnaut P.S. Case No. 404 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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