

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24986 of 2024

Arising Out of PS. Case No.-246 Year-2021 Thana- CHIRAIYA District- East Champaran

Binesh Sahani Son Of Banwari Sahani Resident Of Village - Akauna, P.S. -
Chiraiya, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Chandra Patel, Advocate
For the State : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2024 Heard Mr. Harish Chandra Patel, learned counsel for

the petitioner and Mr. Arvind Kumar Pandey, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
29.08.2021, in connection with S.T. Case No. 1393 of 2022 arising
out of Chiraiya P.S. Case No. 246 of 2021, FIR dated 28.08.2021
for the offences punishable under Sections 147, 148, 149, 341,
323, 307, 302, 504 and 506 of the Indian Penal Code and Section
27 of the Arms Act.

3. Earlier the prayer for bail of the petitioner was
twice withdrawn vide order dated 12.04.2023 passed in Cr. Misc.
No. 12173 of 2022 and vide order dated 01.09.2023 passed in Cr.
Misc. No. 48028 of 2023.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been implicated
in the present case. He further submits that the allegation as



alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the allegation as alleged is not supported by the medical evidence. The petitioner is rotting in judicial custody since 29.08.2021.

5. Vide order dated 27.03.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 29.04.2024 reveals that out of five witnesses, three witnesses have been examined and two prosecution witnesses are to be examined.

6. Learned APP for the State, on the other hand, opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case as well as the report of the trial Court, I am not inclined to enlarge the petitioner on bail in connection with S.T. Case No. 1393 of 2022 arising out of Chiraiya P.S. Case No. 246 of 2021 pending in the Court of learned Additional district & Sessions Judge-V, East Champaran, Motihari.

8. Prayer is refused.

9. However the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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