

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42681 of 2018

Arising Out of PS. Case No.-164 Year-2014 Thana- FATUA District- Patna

=====

Prem Sahani, Son of Late Kapil Muni Sahani @ Late Kapil Sahni, Resident of Kanti Factory Road, Mahatma Gandhi Nagar, P.S. Agam Kuan, District Patna.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Vijay Sahni, S/O Late Kapil Sahni, Resident of Mohalla- Near Shiv Mandir, Kanti Factory Road, Mahatma Gandhi Nagar, P.S. Kankarbagh, District-Patna.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Anand Mohan Prasad Mehta, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

28 26-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. By order dated 18.07.2018, passed in the present case, the petitioner was granted provisional bail in connection with Special Case No. 43 of 2014, arising out of Fatuha P.S. Case No. 164 of 2014, pending in the court of learned A.D.J.-VI-cum-Special Judge (NDPS), Patna, for a period of three weeks from the date of production/receipt of a copy of the order dated 18.07.2018 by the then Co-ordinate Bench of this Court on the ground that the father of the petitioner has died on



10.07.2018 and the petitioner has to participate in the last rites of his late father and a slip to that effect has also been filed by the learned counsel for the petitioner on 13.07.2018 with certain conditions. The petitioner has to surrender positively on or before expiry of the period of provisional bail but he absconded and could not surrender within the stipulated period for which Agamkuan P.S. Case No. 532 of 2018 was instituted on 28.07.2018.

3. Vide order dated 29.08.2024, a report regarding the date of surrender of the petitioner in the learned court below as well as the present stage of trial in connection with Fatuha P.S. Case No. 164 of 2014 from the court of learned A.D.J.-VI-cum-Special Judge (NDPS), Patna, was called for.

4. In compliance of the aforesaid order dated 29.08.2024, a report has been sent by learned Exclusive Special Court (NDPS) No. 2, Patna, vide its Letter No. 298 dated 10.09.2024, to this Court by which he has reported that the present case is pending at the stage of prosecution evidence and the petitioner was taken into judicial custody on 06.05.2022 and since then he is in judicial custody.

5. From perusal of paragraph no. 6 of the show cause filed on behalf of the Inspector of Police-cum-Station House



Officer, Agam Kuan, Patna, it revealed that after receiving the order of the Hon'ble Court and for compliance of the order, a Sub-Inspector rank Police Officer was deployed for keeping close watch on the petitioner and consequently on 27.07.2018 at 19.30 hours, the said police officer visited at the house of the petitioner where the petitioner was found absconding but his father, namely, Kapil Muni Sahani, was found to be alive and his father Kapil Muni Sahani has stated that his wife has died four years ago and he has no relation with the petitioner for last eight years.

6. Learned counsel for the petitioner seeks permission to withdraw the present bail application filed on behalf of the petitioner in connection with Special Case No. 43 of 2014, arising out of Fatuha P.S. Case No. 164 of 2014, pending in the court of learned A.D.J.-VI-cum-Special Judge (N.D.P.S.) Patna as the application has become infructuous.

7. Permission is accorded.

8. Accordingly, the present bail application filed on behalf of the petitioner has become infructuous. Accordingly, the same is dismissed as withdrawn.

U.K./-

U		T	
---	--	---	--

(Chandra Prakash Singh, J)

