

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48811 of 2024

Arising Out of PS. Case No.-32 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

Md. Sohil @ Sohil @ Md Sohail @ Sohail Alam @ Sohail Son of Mohsin @
Mohsim R/O Vill.- Kathamatha, P.S.- Kochadhaman, Dist.- Kishanganj
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Mannan Khan, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 271 of 2022, arising out of Kochadhaman P.S. Case No. 32 of 2019, registered for the offence punishable under Sections 395 and 397 of the Indian Penal Code.

3. Based upon the *fardbeyan* of the informant, the prosecution alleges that in the fateful night of 06.02.2019, unknown *dacoits* entered into the house of the informant and committed *dacoity* and also assaulted one *Matasir*, due to which he sustained grievous injury.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, the name of the



petitioner has been implicated only on suspicion. Neither the petitioner has been put on TIP nor any incriminating materials has been recovered. Moreover, the petitioner has been incarcerated since 22.03.2021. Irrespective of the long period of incarceration over a period of three years and six months, till date, the trial has not been concluded and, as such, keeping the petitioner behind the bar would be unjustified.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is having 14 criminal antecedent over his head and most of the criminal offence are identical in nature, which shows the involvement of the petitioner in identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that there is no likelihood of conclusion of trial in near future. Moreover, keeping the petitioner behind the bar without there being any cogent material, only on the basis of the criminal antecedent of the petitioner does not appear to be justified, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-III, Kishanganj in connection



with Sessions Trial No. 271 of 2022, arising out of Kochadhaman P.S. Case No. 32 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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