

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52265 of 2024

Arising Out of PS. Case No.-244 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. Kamlesh Sahni Son of Shyamdeo Sahni R/O Vill.- Gorigama, P.s.- Runnisaidpur, Dist.- Sitamarhi.
2. Sitaram Sahni Son of Shyamdeo Sahni R/O Vill.- Gorigama, P.s.- Runnisaidpur, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have renewed their prayer for grant of regular bail in connection with S.Tr. no. 51 of 2021 arising out of Runnisaidpur P.S. Case no. 244 of 2020 registered under sections 302 and 34 of the Indian Penal Code.

3. As per allegation in the F.I.R, it is stated by the informant that she was informed by her elder brother-in-law (*Bhaisur*) about the assault on her husband and his having admitted in SKMCH for treatment. It is stated by the informant that on visiting her husband she was informed by him about being assault by the petitioner herein. Her husband died in



course of treatment at about 11p.m. on 4.6.2020.

4. Learned counsel for the petitioners submits that the earlier prayer for bail of the petitioners was rejected vide order dated 13.7.2021 (Annexure-1) passed in Cr. Misc. no. 8405 of 2021. In spite of the petitioners being in custody since 18.8.2020 and 5.9.2020, the trial has still not concluded for no fault of these petitioners. They undertake to cooperate in the trial.

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

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 31.7.2024 of the learned Additional District & Sessions Judge-XIV, Sitamarhi, eight witnesses including the Investigating Officer have been examined in course of trial in between 20.5.2022 and 18.1.2024. Only two witnesses remain to be examined for appearance of whom the learned trial Court has also issued non-bailable warrant and summon respectively.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R together with the trial having reached near its conclusion, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.



8. Learned trial Court is directed to expedite the trial and to conclude the same at the earliest.

9. It is further directed that the Superintendent of Police, Sitamarhi shall ensure the appearance of the witnesses in course of trial by getting the non-bailable warrants etc., issued by the learned Court below, executed.

10. Let a copy of this order be communicated to the Superintendent of Police, Sitamarhi for its due compliance.

(Partha Sarthy, J)

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