

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78437 of 2024

Arising Out of PS. Case No.-395 Year-2002 Thana- DEHRI TOWN District- Rohtas

Sanjay Kumar Gupta Son of Ram Prasad Sah @ Ram Prasad R/O-Mohalla-
Mohan Bigha, Station Road, P.S. Dehri (Town), District -Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-11-2024 Heard Mr. Shailendra Kumar Singh, learned counsel
for the petitioner and the State.

2. The petitioner is in custody in connection with Sessions Trial No. 317 of 2005 arising out of Dehri P.S. Case No. 395 of 2002 for the offence punishable under sections 399 and 402 of the Indian Penal Code lodged on 12.11.02 by the informant, Chandrashekhar Mishra.

3. The prosecution story dates back to two decades ago (2002) and as per it, the informant during the checking of the vehicle found some people gathered and upon reaching there, though some managed to escape, from those apprehended, country made pistol was recovered from the petitioner while one pistol with live cartridge from Ashok Kumar Gupta recovered/seized. This led to their arrest.

4. Learned counsel for the petitioner submits that subsequently, he was granted bail in the year 2003 itself and



continued pairvi upto the year 2021 but later as a labourer, went outside for livelihood which resulted into cancellation of his bail bond on 19.01.2023. Further, upon knowledge, he surrendered on 26.09.2024 (para 10 of the petition). Learned counsel for the petitioner further submits that given a chance, he shall ensure that the trial is concluded in the matter.

5. Learned APP opposes the prayer for bail submitting that the trial of the FIR of 2002 has not been taken to conclusion only because of the disappearance of the petitioner.

6. It is true that the Trial Court faces problem when the accused fails to appear and it results into delay of the conclusion, in this particular case, the misuse of bail is for one year eight months, it is the undertaking of the petitioner that he shall be diligently appearing in trial without fail, in that background and considering the aforesaid submissions put forward by the parties, this Court is inclined to extend him the privilege of bail with strict conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. District & Sessions Judge-V, Rohtas at Sasaram in connection with Sessions Trial No. 317 of 2005 arising out of Dehri P.S. Case



No. 395 of 2002 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for even a single date without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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