

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3196 of 2024

Arising Out of PS. Case No.-185 Year-2021 Thana- GOVINDGANJ District- East
Champaran

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JITESH SAHANI SON OF INDRAJEET SAHANI R/O VILLAGE- NAYA
TOLA KOHBARWA, P.S.- GOVINDGANJ, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-03-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Govindganj P.S Case No. 185 of 2021 arising out of S. Tr. 39
of 2022 registered for the offences punishable under Sections
304(B), 201/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and others
killed the informant's sister for not fulfilling the demand of
dowry and disappeared the dead-body of the deceased.

4. Learned counsel for the petitioner submits that
the bail prayer of the present petitioner has already been
rejected on merit by this Court vide Cr. Misc. No. 44738 of



2022 on 01.02.2023 with an observation that if the trial is not concluded within nine months from the date of receipt of this order, the petitioner may renew his prayer for bail. Petitioner is in custody since 14.07.2021 which is near about two years and eight months and he bears no criminal antecedent. He further submits that he has filed the present bail petition after near about ten months from the date of rejection of his previous bail prayer. Learned counsel for the petitioner further submits the charge has been framed on 04.08.2022 but out of thirteen charge-sheet witnesses not a single witness has been examined and the delay of trial is not in any way attributable to the present petitioner as he is in custody since 14.07.2021.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within nine months, the petitioner may renew his prayer for bail.

6. Vide order dated 19.01.2024, a report has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 54 dated 25.01.2024 has sent its report which reveals that out of thirteen charge-sheet



witnesses, not a single witness has been examined.

7. Considering the facts and circumstances of the case, period of custody undergone by the petitioner is near about two years and eight months, trial is not concluded within the stipulated period of nine months and delay of trial is not attributable to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 22nd Additional Sessions Judge, East Champaran, Motihari in connection with Govindganj P.S. Case No. 185 of 2021 arising out of S. Tr. No. 39 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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