

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85431 of 2023

Arising Out of PS. Case No.-8 Year-2022 Thana- SHEOHAR District- Sheohar

Sanjay Kumar @ Sanjay Raut S/O Late Lal Babu Raut @ Lalu Prasad R/O
Vill-Gadhwa, P.S.-Sheohar, Dist- Sheohar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2024 Heard learned counsel for the petitioner and

learned APP for the state.

The instant application is renewed by the
petitioner for regular bail which has been filed in
connection with Sheohar P.S. Case No. 08 of 2022
instituted for the offence u/s 302/34 of the Indian Penal
Code.

Earlier the application for regular bail of the
petitioner was rejected by order dated 27.04.2023
passed in Cr. Misc. No. 7630 of 2023 with an
observation to learned trial court to expedite the trial
and conclude the same as soon as possible.



As per allegation in the F.I.R., the informant alleged that on the alleged date of occurrence, her husband was assaulted by the accused persons including the petitioner, when he asked for his labour charges from them. Thereafter, he was taken to hospital for treatment, but during the course of treatment informant's husband died.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. There is no eye witness of the alleged offence. Neither the petitioner has any concern with co-accused Md. Rizwan Rizwi @ Md. Dulare nor he is owner of the garage. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 1.11.2022. Similarly situated co-accused person, namely, Md. Rizwan Rizwi @ Md. Dulare has been granted bail vide order dated 08.12.2023, passed in Cr. Misc. No. 62320 of 2023 by this Court.



From perusal of the trial court report (kept at flag A), it appears that none charge-sheeted witnesses have been examined. There is no hope to conclude the trial in near future.

Learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with sheohar P.S. Case No. 08 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Sheohar.

(Sunil Kumar Panwar, J)

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