

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6164 of 2025

Arising Out of PS. Case No.-231 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Rahul Sahani @ Rahul Kumar Sahni, Son of Late Kamal Sahani Resident of
village - Dekaha Bishunpur, P.S.- Pipara Kothi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 23-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Sessions Trial No. 548/2022 arising out of Pipra Kothi P.S.

Case No. 231/2020 registered for the offence under Sections

302, 120(B)/34 of the Indian Penal Code and Section 27 of

the Arms Act.

3. The accused/petitioner is named in the F.I.R. and

is in custody since 09.06.2021.

4. Allegation against petitioner is to commit murder

of nephew of the informant alongwith other co-accused

persons by causing firearm injury.

5. Learned Counsel appearing on behalf of the

petitioner submitted that though specific allegation is

available against petitioner but he remains in custody for



about four years and two months, where the charge in this matter was framed already on 7th of October, 2023, despite of that even not a single witness was examined in this case. It is submitted that the informant is not the *eye-witness* of the occurrence and entire allegation is based upon hearsay input, which based upon the information given by one Dharmendra Sahani over phone. It is submitted that speedy trial is a fundamental right of petitioner/accused and in support reliance was made on ***Hussainara Khatoon and Others Vs. Home Secretary, State of Bihar***, reported in ***1980(1)SCC 98***. It is also submitted that if petitioner/accused deserves bail, merely on the basis of his criminal antecedents, ordinarily bail should not be denied and in support of his submission, reliance was made on ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***. It is pointed out that petitioner found involved in nine more criminal cases and for the suspicion arising out of his criminal antecedents, he was implicated with present case.

6. Learned APP while opposing the prayer of bail



submitted that petitioner is a habitual criminal as he found involved in 9 heinous offences, where in number of cases his prayer of bail was refused and for the said reasons, he is in jail for last four years and two months. It is not the fact that he is in custody for such long period in connection with present case only. Learned APP further submitted that there is specific allegation against petitioner to shot dead nephew of the informant, which appears incoroboration with postmortem report. However, he conceded that the speedy trial is a fundamental right in view of the legal ratio as available through ***Hussainara Khatoon and Others (supra)***.

7. Considering the facts and circumstances and by taking note of fact as the specific allegation to cause fatal firearm injury is available against petitioner, who further found involved in 9 more heinous offences, his prayer of bail is rejected herewith for the present.

8. However, considering custody period of petitioner, learned trial court is directed to conclude the trial by taking this matter on board, on day to day basis preferably within nine months.



9. Let copy of this order be sent to S.P., Motihari, East Champaran to ensure the prosecution witnesses before the court as and when directed, so as to ensure the conclusion of trial within aforesaid time period, failing which petitioner may renew the prayer.

(Chandra Shekhar Jha, J)

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