

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18099 of 2025

Arising Out of PS. Case No.-414 Year-2022 Thana- SHASTRINAGAR District- Patna

Md. Sahil @ Md. Shahid son of Late Pappu Khan @ Late Md. Pappu village-
Raja Bazar, Samanpura, Ps- Shastri Nagar, Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2025 Heard Ms. Vaishnavi Singh, learned counsel for the

petitioner and Mr. Bishweshwar Ram, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.07.2022 in connection with Sessions Trial No. 1383 of 2022
arising out of Shastri Nagar P.S. Case No. 414 of 2022, F.I.R.
dated 13.07.2022 for the offences punishable under Sections
302 and 34 of the Indian Penal Code.

3. Earlier the bail application of the petitioner was
rejected in Cr. Misc. No. 10857 of 2023 vide order dated
02.08.2023 by this Court and thereafter the petitioner again
moved for grant of bail in Cr. Misc. No. 5741 of 2024 vide order
dated 02.02.2024 which was dismissed as withdrawn by this
Court, then the petitioner moved for the third time for grant of

bail in Cr. Misc. No. 30726 of 2024 vide order dated 11.07.2024, which was also got rejected by this Court.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. She further submits that petitioner is in custody since 15.07.2022 and the trial is not concluded as yet. She further submits that it appears from the F.I.R. itself that the informant is not the eye witness of the alleged occurrence and from the perusal of the F.I.R., it appears that there is no specific allegation of assault or over act against this petitioner rather there is general and omnibus allegations against all the co-accused persons including the petitioner. The similarly situated co-accused person, namely, Md. Raju Alias @ Md. Raju @ Md. Atteque Khan has been granted bail in Cr. Misc. No. 19705 of 2023 vide order dated 23.05.2023 by a Co-ordinate Bench of this Court.

5. Vide order dated 19.03.2025 a report was called with regard to stage of the trial. Report of the learned Trial Court dated 21.03.2025 reveals that out of seven charge-sheet witnesses four witnesses have been examined and the case is pending for examination of rest of the prosecution witnesses.

6. Learned counsel for the petitioner submits that in

view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 15.07.2022 and the similarly situated co-accused person has been granted bail by a Co-ordinate Bench of this Court.

7. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits that the petitioner is on bail in the pending matter.

8. Considering the aforesaid facts, period of custody, report of the Trial Court as well as the fact that the similarly situated co-accused person has been granted bail by a Co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIV, Patna in connection with Sessions Trial No. 1383 of 2022 arising out of Shastri Nagar P.S. Case No. 414 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court

and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J.)

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