

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51384 of 2024

Arising Out of PS. Case No.-280 Year-2022 Thana- LALGANJ District- Vaishali

Dharmendra Sahni, Son of Ramashish Sahani, R/o Village/Mohalla-Sirsa
Ghasi, P.S.- Lalganj, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aniket Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Lalganj P.S. Case No.280 of 2022 registered for the
offences punishable under Sections 341, 323, 324 and 307
read with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 01.12.2022.

4. Allegation against the petitioner is to assault
informant by using knife along with other named co-accused
persons causing injuries on neck and head, which were made
with intention to cause his death in the background of land
dispute.



5. It is submitted by learned counsel appearing for petitioner that physical assault was alleged to be caused by other co-accused persons also and in that view of the matter it can be said safely that the petitioner was not the only person, who assaulted the informant but, fairly conceded that he was equipped with knife. It is submitted that admittedly the statement was given out of previous enmity as to implicate petitioner falsely. It is submitted that previous enmity is almost an admitted position through FIR itself. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has submitted and, as such, there is no chance of tampering with the evidence. The petitioner claimed his antecedent as clean.

6. Learned APP while opposing the prayer of bail submitted that the specific allegation as to assault on neck of the informant with knife is available against petitioner but, he could not disputed the period of custody, as submitted above.

7. A report regarding stage of trial was called for from the learned trial court, which made available through Letter No.334 of 2025 dated 02.08.2025, from where it



transpired that out of six charge sheeted witnesses, only two witnesses have been examined till date and, therefore, there is no chance as to conclude the trial in near future.

8. In view of aforesaid facts and circumstances, without commenting to merit, as petitioner remains in custody since 01.12.2022 i.e. about two years and eight months, where only two charge-sheeted witnesses have been examined during trial *prima facie* defeating the fundamental right of petitioner *qua* speedy trial, accordingly, the petitioner, above-named, is directed to be released on bail 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 District Judge-2nd, Vaishali at Hajipur in connection with Lalganj P.S. Case No.280 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till



conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That the petitioner shall not make any deliberate attempt to delay the trial failing which, the prosecution/State shall be at liberty to press a petition before the learned trial court itself for cancellation of bail bonds of the petitioner.

(Chandra Shekhar Jha, J.)

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