

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65936 of 2024**

Arising Out of PS. Case No.-102 Year-2016 Thana- SONEPUR District- Saran

Jataha Nat S/O Late Chandrika Nat Resident of Village- Sihoriya, Police Station- Baniyapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumr, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

4      23-01-2025                      Heard Mukesh Kumar, learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in judicial custody in connection with Sonpur P.S. Case No. 102 of 2016 for the offence punishable under Sections 396/397 of the Indian Penal Code corresponding to S. Tr. No. 87/2024 lodged on 09.03.2016 by the informant, Kanhaiya Singh.

3. As per the prosecution story, the allegation against the accused persons is/are of killing two persons while committing 'dacoity'. During investigation, the arrested persons Gabbar Nat and Fulteni Nat named this petitioner to be an accomplice. Accordingly, the FIR.

4. The FIR dates back to 2016 and only after new development took place, he chose to walk into judicial custody



on 16.06.2023 (as stated in paragraph 13 of the petition).

5. Earlier the bail application of the petitioner was rejected after incorporating the fact that though his name came in the confessional statement, FIR is of the year 2016, after seven years, he came into judicial custody.

6. The petitioner has once again approached this Court submitting that though he is in custody since 16.06.2023 (13 of the petition), there is no likelihood of conclusion of the trial.

7. A report was called for which has since been received and as per the report dated 07.10.2024, the charges were framed on 18.03.2024 whereafter it is being listed for prosecution evidence.

8. It is the submission of the learned counsel for the petitioner that if granted relief, he shall be diligently appearing in trial.

9. Learned APP opposes the prayer submitting that his name has come in the confessional statement and further delayed coming into judicial custody and as such no relief can be granted.

10. Taking into account the aforesaid facts as also that he has remained in custody for one and half years, the trial is not



likely to be concluded in near future, an undertaking has been given that he shall be diligently appearing in trial, his name has come in the confessional statement, in that background, this Court is inclined to extend him the privilege of bail with conditions.

11. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-8, Saran, Chapra, in connection with Sonapur P.S. Case No. 102 of 2016 corresponding to S. Tr. No. 87 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for  
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any  
criminal offence again, failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

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