

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56 of 2025**

Arising Out of PS. Case No.-5 Year-2018 Thana- SUHAIL District- Gaya

Ganesh Sao, S/o Late Nageshwar Sao, Resident Of Village - Sindha, P.S.-  
Naudiha Bazar, District - Palamu, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      14-02-2025                      Heard learned Advocate appearing on behalf of the  
  
petitioner and the learned Additional Public Prosecutor for the  
  
State.

2. The application for grant of bail to the petitioner who is in custody since 04.09.2019 in connection with S.Tr. No. 142 of 2022, arising out of Suhail P.S. Case No. 05 of 2018 registered for the offence punishable under Section 302 of the Indian Penal Code.

3. This is the third attempt made on behalf of the petitioner, as earlier twice the prayer for bail of the petitioner was turned down by this Court in Criminal Miscellaneous No. 42582 of 2021 vide order dated 29.06.2022 and further in Criminal Miscellaneous No. 9387 of 2024 vide order dated 10.04.2024, considering the specific nature of accusation that



the petitioner inflicted knife blow over the abdomen and back side of the deceased.

4. Learned Advocate appearing on behalf of the petitioner referring to the earlier order dated 10.04.2024 has contended that considering the long incarceration of the petitioner, on the last occasion liberty was granted to the petitioner to renew his prayer for bail after six months if there is no substantive progress in the trial. It is the contention of the petitioner that till date, not even a single witness has been examined, though the petitioner has kept confined in judicial custody for over a period of five years and six months, having fair antecedent.

5. On the other hand, learned Additional Public Prosecutor for the State though opposed the prayer for bail of the petitioner, however, he fairly conceded that it is the admitted position that till date, none of the witness has been examined.

6. Regard being had to the submissions made on behalf of the parties and considering the period of incarceration for over a period of 5 years and 6 months, coupled with the report regarding the stage of the trial, which clearly reflects that despite summons and theailable warrant issued by the trial court, till date no witness has turned up, let the petitioner, named



above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Sherghati, District Gaya in connection with S. Tr. No. 142 of 2022, arising out of Suhail P.S. Case No. 05 of 2018, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

supratim/-

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