

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.352 of 2025

Arising Out of PS. Case No.-92 Year-2019 Thana- GHORASAHAN District- East
Champaran

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Suman Saurabh S/o Rakesh Jha, Resident of village - Telhara Kala, P.S.-
Kundwachainpur, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 14-02-2025 Heard Mr. Abhishek Kumar, the learned counsel

for the petitioner, the learned counsel for the informant and Mr.

Shailendra Kumar, the learned Additional Public Prosecutor for

the State.
2. Petitioner seeks regular bail who is in custody since

24.04.2019, in connection with Sessions Trial No. 161 of 2020,

arising out of Ghorasahan P.S. Case No. 92 of 2019, FIR dated

18.03.2019, registered for the offences punishable under

Sections 302 and 120(B) read with Section 34 of the Indian

Penal Code and under Section 27 of the Arms Act.
3. Earlier the petitioner has moved twice for grant of

regular bail before co-ordinate Benches of this Hon'ble Court in

Cr. Misc. No. 57608 of 2021 and in Cr. Misc. No. 62408 of

2023, which were rejected *vide* orders dated 18.01.2023 and



06.02.2024 respectively.

4. According to the prosecution case, while informant's brother Shambhu Prasad along with one person was coming back from Block Office, Ghorasahan, the co-accused persons opened fire upon them due to which both the persons died. It is further alleged that in the year 2017 also, the accused Awadhesh Sah had committed murder of informant's elder brother Surendra Sah.

5. Learned counsel for the petitioner submits that petitioner is in custody since 24.04.2019, which is near about six years and trial is not in progress. He further submits that from perusal of FIR, it appears that informant is not the eyewitness to the alleged occurrence and merely on the basis of suspicion, the petitioner has falsely been implicated in the present occurrence. He lastly submits that the co-accused persons namely, Hiralal Prasad Yadav, Upendra Sah and Pradeep Sah @ Pradeep Kumar, against whom there are similar nature of allegations have been granted the privilege of anticipatory bail by this Court *vide* orders dated 23.01.2020, 26.06.2020 and 22.07.2021 in Cr. Misc. Nos. 82029 of 2019, Cr. Misc. No. 85041 of 2019 and Cr. Misc. No. 38104 of 2020 respectively and the co-accused person namely, Awadhesh Sah has been



granted regular bail by this Court *vide* order dated 05.04.2022 passed in Cr. Misc. No. 51269 of 2021 and the co-accused person namely, Sumit Kumar @ Raj Tilak has also been granted regular bail by this Court *vide* order dated 04.07.2024 passed in Cr. Misc. No. 4806 of 2024.

6. Vide order dated 10.01.2025, a report was called for with regard to the stage of the trial and report dated 01.02.2025 of the learned trial Court reveals that out of eleven chargesheeted witnesses, six witnesses have been examined and five prosecution witnesses including the investigating officer are yet to be examined.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.04.2019.

8. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he had opened fire upon the victim. Apart from that the petitioner carries twenty-two cases other than the present, but fairly submits that out of twenty-two cases,



petitioner is on bail in fifteen cases, in one case petitioner has been acquitted and the remaining six cases are pending for consideration before the competent Court of law.

9. Considering the aforesaid facts and circumstances, the report of the learned trial Court as well as petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Motihari, East Champaran, in connection with **Sessions Trial No. 161 of 2020, arising out of Ghorasahan P.S. Case No. 92 of 2019**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial



Court 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 learned trial Court 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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