

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16224 of 2015

Arising Out of PS.Case No. -147 Year- 1998 Thana -SIWAN CITY District- SIWAN

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1. Rustam Khan son of Late Ainul Khan, Resident of village- Machkana,
P.S.- Hussainganj, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s Mr. Uma Nath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 26.08.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 15.9.2006 in a case
registered under section 307 and other minor sections of the Indian
Penal Code as well as section 27 of the Arms Act.

Petitioner is not named in the first information report but in
course of investigation, his name was surfaced and accordingly, he
was charge sheeted.

It would appear that the petitioner escaped from jail
custody but subsequently, he was arrested and brought before police
from West Bengal in the year 2006 and since then he is in jail custody.
Furthermore, it would appear that prayer for bail of the petitioner was
twice rejected by this court and while rejecting prayer for bail of the
petitioner vide order dated 13.09.2011 passed in Cr. Misc.
no.13320/2011 this court directed the trial court to conclude the trial

of the petitioner within four months and if the trial of the petitioner is not concluded within the above stated period, trial court may release the petitioner on bail.

The contention on behalf of the petitioner is that up till now, trial of the petitioner has not been concluded and moreover, further proceeding of Sessions Trial no. 419/2006 has been stayed by a bench of this court vide order dated 09.10.2013 passed in Cr. Misc. no. 41253/2013 and, therefore, there is no possibility of calculation of trial of the petitioner in near future.

On the other hand, learned Addl. Public Prosecutor appearing for the State submits that the petitioner has chequered history of criminal cases and his past conduct reflects that if he is released on bail, he may jump the bail.

Considering the facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner is in jail custody for near about nine years in a case registered under section 307 and other minor sections of the Indian Penal Code and furthermore, trial of the petitioner along with other co-accused has already been stayed by a coordinate bench of this court vide order dated 09.10.2013 passed in Cr. Misc. no. 41253/2013 and furthermore, there is no possibility of calculation of trial of the petitioner in near future, let the petitioner be released on bail on furnishing bail bonds of Rs 50,000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I, Siwan in Sessions trial no. 419/2006 arising out of Siwan Town P.S. Case no. 147/1998 subject to the conditions that one





of the sureties must be wife of the petitioner and furthermore, petitioner shall give attendance before officer-in-charge of Siwan Town police station in the first week of each and every month till conclusion of his trial and the officer-in-charge of Siwan Town police station shall send his report to the concerned court in respect of attendance of the petitioner and if the petitioner defaults in making attendance before officer-in-charge of Siwan Town police station, the concerned officer-in-charge shall immediately report to the concerned court about failure of the petitioner and then the concerned court shall cancel the bail bonds of the petitioner without any delay.

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(Hemant Kumar Srivastava,J)

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