

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18063 of 2015

Arising Out of PS.Case No. -18 Year- 2011 Thana -KHAGAUL District- PATNA

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1. Ajay Kumar Son of Mannalal Resident of Village- Chhoti Badalpura, ps.
Khagaul, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. R.P.S Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 01-12-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner being husband of the deceased is languishing
in jail custody since 22-02-2011 in a case in which, charge has
been framed under Section-304 & other minor sections of the
Indian Penal Code.

Earlier prayer for bail of the petitioner was thrice
rejected by this court and once withdrawn from the Hon'ble Apex
Court but submission on behalf of petitioner is that in spite of
rotting in jail custody for more than four years, trial of the
petitioner could not be concluded which is evident from perusal of
report of learned Additional Sessions Judge-II, Danapur.

It would appear that learned Additional Sessions Judge-

II, Danapur has reported that except two investigating officers, all the prosecution witnesses have already been examined and steps have already been taken to procure the attendance of above-said investigating officers.

Although learned trial court has sought six months more time to conclude the trial of the petitioner but it is obvious that the aforesaid prayer was made by the trial court on 28-05-2015 but even today, the case is pending for recording the evidence of above-said investigating officers.

In my view, no person can be detained for indefinite period in the name of trial, however the charge may be serious against him.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties and also taking note of period of detention of the petitioner in jail custody as well as stage of his trial, I direct the petitioner named above, to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Khagaul P.S. Case No. 18 of 2011 corresponding to Sessions Trial No. 1099 of 2012 to the satisfaction of Additional Sessions Judge--II, Danapur subject to condition that one of the sureties must be close relative of the petitioner and holder of landed

property and furthermore, the petitioner shall attend the trial court, in person on each and every date for a period of six months or till conclusion of his trial, whichever is earlier and if, he fails to do so on three consecutive dates without any reasonable cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

It goes without saying that learned trial court shall take all possible steps to conclude the trial of the petitioner within the above-said period of six months.

(Hemant Kumar Srivastava, J)

A.K.V./-

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