

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23828 of 2015

Arising Out of PS.Case No. -3 Year- 2012 Thana -MAHILA P.S. District- PATNA

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Sushant Kumar Son of Sri Suresh Paswan resident of Rajbansi Nagar, P.S.
Shastrinagar, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Malay Kumar Choudhary, Advocate.

For the Opposite Party : Mr. S.Dayal (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 05-10-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner wants to renew his prayer for bail which was earlier twice rejected by this Court vide Cr. Misc. No. 45653 of 2012 by order dated 11.02.2013 and again vide Cr. Misc. No. 45530 of 2013 by order dated 03.09.2014 on the ground that trial of Sessions case has been stayed by the Hon'ble Apex Court and there is no likelihood of early conclusion of the trial. The petitioner is not named in the F.I.R, but during investigation his name has come that he has provided vehicle and also flat where the victim was subjected to sexual assault by a group of persons associated with the petitioner and further video was recorded. It is also submitted that in this case co-accused Rahul Lamba @ Rahul



Lama having serious allegation has already been allowed bail vide Cr. Misc. No. 13083 of 2015 by order dated 11.05.2015 on the ground that at present trial being stayed hence there is no likelihood of its conclusion in near future. It is also submitted that while rejecting the prayer for bail of the petitioner in order dated 11.02.2013 it was observed that for the present prayer for regular bail of the petitioner is refused and the court below was directed to proceed expeditiously with the trial and avoid undue delay and adjournments. Again in order dated 03.09.2014 the court below was directed to do all the needful to conclude the trial at the earliest, but in near future the trial is not likely to be concluded and as such the petitioner also deserves sympathetic consideration as the victim and her mother failed to locate the flat at Rajbanshi Nagar when the police on 25.07.2012 and 28.07.2012 tried to locate the same with the victim and her mother. The medical report also does not corroborate accusation of the victim. The petitioner is suffering in custody since 27.07.2012 and as such now he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that after finding sufficient materials against the petitioner charge sheet has been submitted against him.

In the facts and circumstances as stated above,

considering that trial is not likely to be concluded in near future, the petitioner was not named in the F.I.R. and as co-accused Rahul Lamba @ Rahul Lama has already been allowed bail by another Bench of this Court vide Cr. Misc. No. 13083 of 2015 by order dated 11.05.2015 and as such the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Adhoc Additional Sessions Judge- IV, Patna in Sessions Trial No. 1231 of 2012/ S. Tr. No. 430 of 2014 arising out of Mahila P.S. Case No. 03 of 2012, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail and further the petitioner will not leave the territorial jurisdiction of Patna district without permission of the learned trial court.

(Jitendra Mohan Sharma, J)

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