

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28890 of 2015

Arising Out of PS.Case No. -86 Year- 2012 Thana -TEDHAGACHH District- KISANGANJ

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Fekua Rishideo @ Feku Risideo @ Rekuwa @ Feku @ Feku Rishi son of
Late Dwarika Lal Rishideo, resident of village- Sunsuni (Khajurbari), P.S.-
Terhagachh in the district of Kishanganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. M.K.Nirala, Addl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 07-10-2015

Heard the parties.

The prayer for bail of the petitioner in a criminal prosecution registered under Sections 307, 302 and some other allied offences under the Indian Penal Code was rejected earlier by this Court by order dated 20.05.2014 (Annexure-1) with an observation that if the trial of the petitioner is not concluded within a period of one year from the date of receipt/production of a copy of this order, without there being any fault on his part, then the petitioner shall be at liberty to renew his prayer for bail.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 15.05.2013 and despite order/direction issued by this Court by aforesaid order dated 20.05.2014 (Annexure-1), the trial of the petitioner has not been concluded till date.

By an order dated 12.08.2015, a report was called for from the learned trial court about status of the trial of the petitioner. In compliance of the aforesaid order, report dated 03.10.2015, kept at Flag 'A', has been received. From perusal of

the aforesaid report it appears that though some witnesses have been examined on behalf of the prosecution, still several witnesses are yet to be examined. The learned trial court has not reported that the petitioner has tried to delay the disposal of the trial in any manner.

Learned Addl.P.P. appearing on behalf of the State though has opposed the prayer for bail, but has not been able to dispute the facts noticed above.

In the aforesaid facts and circumstances, particularly taking into consideration the period of incarceration as also observations made earlier by this Court by order dated 20.05.2014 (Annexure-1), I am inclined to accede to the prayer made on behalf of the petitioner for grant of bail. Accordingly, his prayer for bail is allowed.

Let above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, 2nd, Kishanganj in connection with Sessions Trial No. 1063 of 2013 arising out of Terhagachh P.S.Case No. 86 of 2012, subject to the following conditions:

- (A) one of the bailors of the petitioner must be a government servant,
- (B) other bailor of the petitioner shall be either the family member or close relation of the petitioner or the Mukhiya/Sarpanch of the local Gram Panchayat.
- (C) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner,



and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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