

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33448 of 2015

Arising Out of PS.Case No. -308 Year- 2013 Thana -MARHAURA District- SARAN

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Ashok Rai, S/o- Deo Kumar Rai, R/o- Lerua, P.S.- Marhaura, District-
Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh
Mr. S.K.Jha

For the Opposite Party/s : Mr. Sanjay Kr.Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 14-10-2015

Heard the parties.

The prayer for bail of the petitioner in connection with a criminal prosecution registered under Section 304B/34 of the Indian Penal Code was earlier rejected by order dated 02.08.2014 passed in Cr. Misc. No. 22360 of 2014 with a direction to the learned trial court to expedite the trial of the petitioner and make all endeavours to conclude the same within a period of nine months from the date of receipt/production of a copy of the aforesaid order. It was further observed that if the trial of the petitioner is not concluded within the aforesaid period of nine months, then he shall be at liberty to renew his prayer for bail.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is a man of absolutely fair antecedent and he is in judicial custody since 09.01.2014. He further submitted that though charge against the petitioner was framed on 20.09.2014, but till date not even a single witness has been examined. In support of his above submission, he has brought on record the entire order sheet of the trial court, as contained in Annexure-3.

Learned Additional Public Prosecutor appearing on behalf of the State though has opposed the prayer for bail, but has not disputed the aforesaid submission.

In view of the aforesaid submission, particularly taking into consideration the period of incarceration as also the observations made by this Court by order dated 02.08.2014 (Annexure-1), the prayer for bail is allowed. The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-Vth, Saran at Chapra, in connection with Sessions Trial No. 185 of 2014 arising out of Marhaura P.S. Case No. 308 of 2013 subject to the further conditions that:

- (A) Both the bailors shall be the Government servants,
and,
- (B) the petitioner shall appear before the learned trial court in person on each and every date fixed, failing which the learned trial court shall be at liberty to cancel his bail bond in accordance with law.

(Birendra Prasad Verma, J)

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