

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26706 of 2014

Arising Out of PS.Case No. -50 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

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1. Shiv Sharan Mandal Son of Kashi Mandal Resident of village and P.o. -
Khabadpur, Police Station -Pirpanti, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 23-01-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 21.12.2013 on the
accusation that he being Assistant Post Master defalcated the
government money to the tune of Rs.4,52,453/-.

The contention on behalf of the petitioner is that
petitioner is in jail custody since long but up till now his trial
could not be concluded.

The learned trial court has reported that the case is
pending for recording prosecution evidence.

Taking note of the allegation leveled against the
petitioner as well as submissions of the parties, I am not inclined
to grant privilege of bail to the petitioner, accordingly, his prayer

for bail in connection with Gopalpur P.S. Case No. 50 of 2012, pending in the court of Sub. Divisional Judicial Magistrate, Naugachia stands rejected.

However, it is made clear that if the trial of the petitioner is not concluded within seven months from the date of receipt / production of copy of this order on account of laches of the prosecution, the petitioner may renew his prayer for bail before the learned trial court itself, and if the petitioner does so, the learned trial court shall consider the prayer for bail of the petitioner in accordance with law without being prejudiced by this rejection order, particularly, keeping in mind the period of detention of the petitioner , stage of trial as well as observation made by this Court in this order.

(Hemant Kumar Srivastava, J)

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