

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19730 of 2015

Arising Out of PS.Case No. -143 Year- 1995 Thana -FATUHA District- PATNA

=====

1. Dev Paswan Son of Late Lal Bihari Paswan resident of village- Fazalli Chak, P.S.- Fatuha District- Patna.

.... Petitioner/s

Versus

1. THE STATE OF BIHAR null null

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

6 12-08-2015 The petitioner is in custody since 4-4-2009. He had first moved for bail-vide Cr.Misc. No. 5653 of 2011, which was rejected by this Court on 23-3-2011 with an observation to expedite the trial, as it related to an incident that took place in 1995. If the trial was not expedited, the petitioner was granted liberty to renew his prayer.

There being no progress, the petitioner again renewed has prayer-vide Cr. Misc. No. 41120 of 2011, which was again rejected by order dated 25-1-2012, observing that if the trial is not concluded within three years, the petitioner may renew the prayer. The trial court has exhausted the time to conclude the trial. Again this application has been made.

It is a case under section 302 of the Indian Penal

Code, in which three persons were killed, including a retired Judge. It is now over six years, and the petitioner is in custody.

The report of the 2nd Additional District & Sessions Judge, Patna City, Patna, has been received-vide letter No. 70 dated 13-7-2015, pointing out that the case is for evidence since 2011, while charges have been framed on 6-4-2011, and inspite of letters by the court to S.S.P, D.G.P., District Magistrate etc., not a single witness has been examined by the prosecution.

In the facts and circumstances, let the above named petitioner 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 Additional District and Sessions Judge VII, Patna City, in connection with Fatuha P.S. Case No. 143/1995 (Sessions Trial No. 1161/2009), subject to the condition that on every day the petitioner would be physically present before the trial court, and if on two subsequent dates he absents, the trial court will be at liberty to cancel the bail bond of the petitioner.

(Navaniti Prasad Singh, J)

BK.Roy/-

U			
---	--	--	--