

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48359 of 2014

Arising Out of PS.Case No. -126 Year- 2010 Thana -MALSALAMI District- PATNA

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1. Raj Kumar Ray S/o Ram Janam Ray

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 11-02-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Earlier the prayer for bail of this petitioner was twice rejected by this court and while rejecting the prayer for bail of the petitioner vide order dated 20.02.2013 passed in Cr. Misc. No. 38084 of 2012, this court directed the trial court to expedite the trial of the petitioner and try to conclude the same as early as possible. The copy of order dated 20.02.2013 passed in Cr. Misc. No. 38084 of 2012 was also sent to Senior Superintendent of Police, Patna with direction to him to ensure the presence of prosecution witnesses of Sessions Trial No. 588 of 2012 arising out of Malsalami P.S. Case No. 126 of 2010 before the trial court

and furthermore, a liberty was given to the petitioner to renew his prayer for bail, if his trial is not concluded within nine months from the date of sending list of prosecution witnesses to Senior Superintendent of Police, Patna.

The trial court has reported vide letter no. 18 dated 19.01.2015 that up till now only one prosecution witness could be examined and furthermore, the trial court has reported that not only summons, bailable and non-bailable warrants of arrest but a D.O. letter was also issued to Senior Superintendent of Police, Patna but all went in vain.

Admittedly, petitioner is in jail custody since 06.07.2010 with accusation that he opened fire causing death of the deceased but it is also an admitted position that there is counter case also and one person who happened to be full brother of the petitioner also died in the said counter case.

No doubt, petitioner is said to be main assailant but a person cannot be detained in jail custody for such a long period without substantive progress in his trial.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, keeping in mind the pace of trial of the petitioner as well as his long detention in jail custody, let the petitioner be released on bail on furnishing bail

bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, VII, Patna City, Patna in connection with Sessions Trial No. 588 of 2012 arising out of Malsalami P.S. Case No. 126 of 2010.

(Hemant Kumar Srivastava, J)

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