

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6314 of 2015

Arising Out of PS. Case No. -156 Year- 2013 Thana -AURAI District- MUZAFFARPUR

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Santosh Kumar S/o Sri Vishwanath Prasad, Resident of Village- Ali Neura,
P.S.- Minapur, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mrs. Jyotsna Rani Mishra, Advocate.

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-03-2015

Heard both sides.

The petitioner seeks regular bail in a case under
Section 364(A) and other sections of the Indian Penal Code.

Learned counsel for the petitioner submits that the
prayer for bail of the petitioner was earlier rejected vide order
dated 09.05.2014 passed in Cr. Misc. No. 1322/2014, but similarly
situated co-accused, namely, Sunil Roy @ Sunil Kumar and Uday
Rai have been granted bail vide order passed in Cr. Misc. No.
42532/2014 and Cr. Misc. No. 45461/2014. Initially the case was
registered against unknown but the petitioner along with other
accused persons including Sunil Roy and Uday Rai are said to
have been arrested along with the victim Monu Kumar. Monu
Kumar made his statements under Section 164 Cr.P.C. but did not
disclose the name of the petitioner. The victim stated that the

petitioner was also arrested along with other accused persons at the time of recovery of the victim. The case of the petitioner exactly stands on the same footing as that of Sunil Roy and Uday Rai. The petitioner is in jail since 29.08.2013.

Considering the facts that Sunil Roy and Uday Rai, whose cases stand on the same footing as that of the petitioner, have already been enlarged on bail and the petitioner is in jail since 29.08.2013, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Sessions Judge, Muzaffarpur in S. Tr. No. 83/2014, arising out of Aurai P.S. Case No. 156 of 2013.

Before parting with the order, it appears on perusal of the report of the learned Additional Sessions Judge that the charges were framed on 14.03.2014 and summons were issued but he has not been able to examine any witness. More than a year has elapsed, but the learned Additional Sessions Judge has not taken any step for procuring the attendance of the witnesses and reported that the trial is likely to be concluded within two years. If this is the pace of trial, it will take even a decade for disposal of the case.

The Additional Sessions Judge is directed to

expedite the trial and take all possible efforts for procuring the attendance of the witnesses and conclude the same within one year from the date of receipt of this order.

The Senior Superintendent of Police, Muzaffarpur is also directed to produce the witnesses on day-to-day basis so that the trial may conclude within the above stipulated period of time.

Let this order be sent to the Senior Superintendent of Police, Muzaffarpur and to the concerned court below.

(Prabhat Kumar Jha, J)

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