

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21390 of 2015

Arising Out of PS.Case No. -16 Year- 2011 Thana -PALANWA District- EAST
CHAMPARAN(MOTIHARI)

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1. Asarfi Ram @ Asarfi Sah Son of Parikshan Ram Resident of village-
Dhore, P.S. Pokharia, District- Parsa (Nepal).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Prasad

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-05-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

It is very painful to see that while disposing of Cr.
Misc. No. 32538 of 2012 vide order dated 31.08.2012, this Court
directed the trial court to conclude the trial of the petitioner within
ten months but the impugned order dated 13.01.2015 reveals that
trial of the petitioner could not be concluded as the prosecution
failed to complete its evidence and furthermore, the impugned
order reveals that only six prosecution witnesses could be
examined.

It would appear from the aforesaid facts that there is
no substantive progress in the trial of the petitioner because at the

time of passing order in Cr. Misc. No. 32538 of 2012, it was noticed by this Court that till the disposal of aforesaid Cr. Misc. No. 32538 of 2012 only six prosecution witnesses had been examined before the court below. Moreover, having more or less similar allegation, co-accused, Prabhu Das @ Prabhu Sah has already been granted privilege of bail by this court vide order dated 01.04.2015 passed in Cr. Misc. No. 7017 of 2015.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 1st Additional Sessions Judge, Motihari in connection with Palanwa (Bhelahi) P.S. Case No. 16 of 2011 corresponding to N.D.P.S. Case No. 90 of 2011, subject to condition that he shall attend the trial court on each and every date in person for the period of nine months or till conclusion of his trial whichever is earlier and if he fails to do so on three consecutive dates without any genuine cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

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