

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6844 of 2015

Arising Out of PS.Case No. -304 Year- 2010 Thana -SARAIYA District- MUZAFFARPUR

=====

1. Sunil Mahto Son of Sukul Mahto Resident of Village - Chakiya, P.S. - Saraiya, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Abhay Kr. 1(App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 05-05-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 24.10.2010 on the accusation that he gave dagger blow to the deceased. The trial court has reported that still the trial of the petitioner is pending for recording the prosecution evidence though altogether 13 prosecution witnesses have already been examined.

It would appear from the above stated facts that even after lapse of near about four years, the prosecution could not succeed to conclude its evidence and, therefore, in my view, petitioner cannot be detained in custody for indefinite period in the name of conclusion of the trial. Moreover, almost all the important witnesses have already been examined and it appears to me that prosecution wants to keep

the trial of the petitioner pending in the name of examination of a police official.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Muzaffarpur in connection with session trial no. 250 of 2011 arising out of Saraiya P.S.Case No. 304 of 2010, subject to condition that he shall attend the trial court in person for the period of four months or till conclusion of his trial which ever is earlier and if, he fails to do so, on two consecutive dates without any reasonable cause, the trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

Namita/-

U		T	
---	--	---	--