

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17654 of 2015**

Arising Out of PS.Case No. -165 Year- 2013 Thana -MUZAFFARPUR TOWN District-  
MUZAFFARPUR

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1. Santosh Kumar S/o Anil Sah  
2. Pintu Kumar S/o Shankar Patwa Both resident of Mohalla - Ashram  
Ghat, Balughat, near Raj Narayan Singh College, P.S. Muzaffarpur Town,  
District – Muzaffarpur ..... Petitioner/s

Versus

The State of Bihar ..... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Raj Kishore Singh, Addl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

3      12-08-2015

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Heard the parties.

The prayer for bail of the petitioners, who are accused in a criminal prosecution registered under Section 302/34 of the Indian Penal Code, was earlier rejected twice; firstly by order dated 30.09.2013 passed in Cr.Misc.No. 35451 of 2013, vide Annexure-1, with an observation that if the trial of the petitioners is not concluded within a period of nine months, then they shall be at liberty to renew their prayer for bail; and after expiry of aforesaid period of nine months, the petitioners moved once again as their trial had not concluded and their prayer for bail was rejected for the 2<sup>nd</sup> time by order dated 12.11.2014 passed in Cr.Misc.No.37839 of 2014, vide Annexure-1/A, with an observation that if the trial of the petitioners is not concluded within a period of three months, then they shall be at liberty to approach the court below for grant of bail. After expiry of aforesaid period of three months, the petitioners moved the learned trial court and their prayer for bail was rejected once again. Hence, the present application for bail.

Learned counsel appearing on behalf of the petitioners

submits that the petitioners are in judicial custody since 31.03.2013, but despite observations/directions by this Court, the trial of the petitioners has not been concluded till date.

In compliance of the order dated 06.05.2015, a report kept at Flag 'X' has been received from the learned trial court, wherein it has been stated that the case has been fixed for argument on 20<sup>th</sup> May, 2015.

Learned counsel for the petitioners submits that though the case was fixed for argument on 20<sup>th</sup> May, 2015, yet final judgment has not been delivered.

Taking into consideration the period of incarceration and also taking into consideration the observations made in orders passed by this Court as contained in Annexures-1 and 1/A and further taking into consideration the report of the learned trial court, the present application is disposed of with a direction that if the trial of the petitioners is not finally concluded by delivering judgment by the learned trial court within a period of one month from the date of receipt/production of a copy of this order, then the petitioners named above shall be released on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 386 of 2013 arising out of Muzaffarpur Town P.S.Case No. 165 of 2013, subject to the conditions that both the bailors shall be either parents or close family members of the petitioners.

**(Birendra Prasad Verma, J)**

Tahir/-

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