

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46940 of 2015

Arising Out of PS.Case No. -95 Year- 2012 Thana -SHASTRINAGAR District- PATNA

Om Prakash @ Munchun Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s Mr. Jitendra Kr. Roy No.1(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 10.02.2016

Heard learned counsel for the petitioner, learned Addl.

Public Prosecutor for the State as well as learned counsel for the informant.

Earlier prayer for bail of the petitioner was rejected by this court vide order dated 25.6.2012 passed in Cr. Misc. no. 22635/2012 with certain conditions but the petitioner violated the conditions imposed by this court upon him by the above stated order dated 25.6.2012 and accordingly, his bail bond was cancelled and he was remanded to judicial custody on 8.2.2013 and since then he is languishing in jail custody.

It appears that the petitioner was earlier granted bail on the basis of his assurance that he shall pay the entire amount in question to the informant but he failed to pay the aforesaid amount to the informant and it is stated that up till now, he has deposited Rs 02/- lakhs 07 thousands.

The submission on behalf of the petitioner is that petitioner is not in a position to deposit the amount in question and, therefore, he should be released on bail.

Learned counsel appearing for the informant opposes the prayer stating that recently father of the petitioner has sold some land worth near about Rs 41/- lakhs and, therefore, submission on behalf of the petitioner appears to be unsound.

Considering the aforesaid facts and circumstances as well as the above stated submissions, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Shastrinagar P.S. Case no. 95/2012 corresponding to Trial no. 2905/2012 pending in the court of Sri Santosh Kumar Gupta, Judicial Magistrate, Ist Class, Patna/ concerned court is, again, rejected.

However, the learned trial court is directed to conclude the trial of the petitioner within six months from the date of receipt/production of a copy of this order.

Informant must cooperate with trial and produce his witnesses within the above stated period and if trial court finds that due to non-cooperative approach of the informant, trial of the petitioner is not going to be concluded within the above stated period, learned trial court shall release the petitioner on bail fixing the amount of bail bonds on its own level.

However, it is made clear that if trial of the petitioner is not concluded due to non-cooperative approach of the petitioner, learned trial court shall not release the petitioner on bail and shall send a report to this court which shall be listed before this bench under the heading for orders.

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(Hemant Kumar Srivastava,J)