

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45123 of 2015

Arising Out of PS.Case No. -145 Year- 2013 Thana -DARAUNDA District- SIWAN

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Dipu Baitha, Son of Lallan Baitha, resident of village- Merhi, P.S.
Daraunda (M.H. Nagar), District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

The prayer for bail of petitioner was twice rejected by
this Court and while rejecting the prayer for bail of the petitioner
vide order dated 20.03.2015 passed in Cr. Misc. No. 50584/2014
and analogous case, this Court directed the trial court to expedite
and conclude the trial of the petitioner within three months and
also gave liberty to the petitioner to renew his prayer for bail if his
trial is not concluded within the above stated period.

The trial court has reported that up till now only five
prosecution witnesses could be examined and on the prayer of the
prosecution, the original inquest report has been called for from
the Superintendent of Police, Siwan but the aforesaid inquest
report has not been received.

It is a matter of great sorrow that in spite of specific direction of this Court, the trial court failed to conclude the trial of the petitioner within the period as estimated by the trial court itself.

Moreover, having more or less similar allegation, co-accused Chaneshwar Singh @ Chandeshwar Singh has been granted the privilege of bail by a co-ordinate bench of this Court vide order dated 26.08.2015 passed in Cr. Misc. No. 31931/2015.

Accordingly, 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 Additional District & Sessions Judge-I, Siwan in S.T. No. 55/2014, arising out of Daraunda P.S. Case No. 145/2013, subject to the condition that he shall attend the trial court in person on each and every date 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 reasonable 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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