

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57365 of 2015

Arising Out of PS.Case No. -257 Year- 2012 Thana -BAHERI District- DARBHANGA

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Gaurishankar Sah S/o Ram Prasad Sah Resident of village - Jagarnathpur
Hat Gachi Biroul, Police Station - Biroul, District - Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. T.N.Thakur (APP)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 03-02-2016 Heard Mr. Prabhat Kumar Singh for the petitioner and

Mr. Dayal, APP for the State.

Status report called for has been received and placed at

Flag-A.

The petitioner is facing prosecution under sections 498-
A, 326 and 307/34 IPC. The allegation is that while the informant
was sitting with her sister, the petitioner arrived there and
persuaded her to go with him. On refusal, it is alleged that an acid
like substance was poured on the informant and other family
members. Considering the allegation as also the fact that the
petitioner was in custody since 29.04.2013, the prayer for bail was
rejected by order dated 23.09.2014 passed in Cr. Misc. No. 18138
of 2014 (Annexure-1), relevant part whereof is extracted

hereunder:-

“However, considering the fact that he is languishing in jail since 29.04.2013, this Court would grant the petitioner liberty to move the court below for bail after six months from the date of receipt/production of a copy of this order if the trial does not record adequate progress.”

It is submitted that the case has not recorded any satisfactory progress as after framing of charge against the petitioner on 29.04.2015 not a single prosecution witness has been produced and examined. The petitioner continues to incarcerate since 29.04.2013. The status report explains that the charges were framed on 29.04.2015. In spite of summons and bailable warrant issued no witness has been produced on behalf of the prosecution.

Considering the facts and circumstances of the case including the period of incarceration of the petitioner and evasive attitude of the prosecution in not producing witness(s) for evidence, I am persuaded to direct release of the petitioner above named on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 2nd Addl. Sessions Judge, Darbhanga in S.T. No. 64 of 2014 (Baheri P.S. Case No. 257 of 2012) on conditions that one of the bailors shall

be his own/close family member. The petitioner shall continue to appear in person on all the dates fixed at the trial. In case he defaults in doing so on two consecutive dates without there being any satisfactory reason, the trial court shall have liberty to cancel his bail bonds.

(Kishore Kumar Mandal, J)

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