

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54629 of 2015

Arising Out of PS.Case No. -215 Year- 2013 Thana -THAKURGANJ District- KISANGANJ

1. Masidur Alam @ Masidur Rahman Son of Late Sirajul Haque @ Late Sirajul resident of village - Gilhabari, Police Station - Giapokhar in the district of Kishanganj. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 22-06-2016

Heard both sides.

The petitioner seeks bail in a case under Section 376, 302, 201/34 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected by this court vide order dated 22.12.2014 passed in Cr. Misc. No. 28663 of 2014 with a direction to the trial court to conclude the trial within nine months from the receipt/ production of the order.

It is submitted that the trial has not yet been concluded.

A report was called for from learned Additional Sessions Judge I, Kishanganj about the stage of Sessions Trial No. 595 of 2013 but from the report of learned Additional Sessions Judge, it appears that he has not made any efforts to conclude the

trial within nine months. Learned Sessions Judge in his report has stated that the order passed in Cr. Misc. No. 28663 of 2014 has not been brought to his notice but in the order dated 27.10.2015 passed by learned Additional Sessions Judge itself it has been mentioned that prayer for bail of the petitioner was rejected by this court in Cr. Misc. No. 28663 of 2014. The only material against the petitioner is that the mobile from which the deceased received call before leaving her house was recovered from the possession of the petitioner. The petitioner is in custody since 18.10.2013.

Considering the facts aforesaid, 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 Sessions Judge-I, Kishanganj in S. T. No. 595 of 2014 arising out of Thakurganj P.S. Case No. 215 of 2013.

The petitioner shall remain present before the trial court on each and every date during the course of trial and if he fails to appear on any date, learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J)

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