

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.463 of 2016

Arising Out of PS.Case No. -72 Year- 2011 Thana -NIMACHANDPURA District- BEGUSARAI

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1. Ajay Singh @ Ajay Kumar Singh @ Kari Singh Son of Sri Bidya Narayan Singh Resident of Village- Katarmula, P.S.- Dandari, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Adv.
Mrs. Rekha Bankar

For the Opposite Party/s : Mr. Mukesh Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 10-02-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 25-10-2011 in a case, in which, petitioner has been charged for the offence punishable under Section-302 & other minor sections of the Indian Penal Code.

Earlier prayer for bail of the petitioner was rejected several times by this court but while rejecting prayer for bail of the petitioner on 19-08-2015, this court directed the trial court to conclude the trial of the petitioner within the time, as framed by the learned trial court itself and copy of order dated 19-08-2015 passed in Cr. Misc. No. 22513 of 2015 was sent to learned



Sessions Judge, Begusarai as well as the Superintendent of Police, Begusarai with direction to them to ensure the compliance of order of this court but it is shocking to see that the trial of the petitioner is pending and the impugned order dated 03-12-2015 of learned Additional Sessions Judge reveals that P.W. 12, who happens to be investigating officer of the case, was partly cross-examined on 10-09-2015 and thereafter, altogether 5 adjournments were given to prosecution but P.W. 12 did not turn up before the trial court for cross-examination. Therefore, it appears that still the case is pending for recording the prosecution evidence.

No doubt, petitioner appears to be main assailant but a person cannot be detained in jail custody for indefinite period in the name of trial.

Accordingly, petitioner named above, is directed to be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Neemachandpura P.S. Case No. 72 of 2011 corresponding to Sessions Trial No. 588 of 2013 to the satisfaction of Sri S. K. Singh, learned Additional District & Sessions Judge-VI, Begusarai subject to condition that the petitioner shall attend the trial court, in person on each and every date for a period of six months or till conclusion of his trial, whichever is earlier and if, he fails to do so

on two consecutive dates without any reasonable cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

It is also made clear that the trial court must conclude the trial within the above-said period of six months.

(Hemant Kumar Srivastava, J)

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