

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35785 of 2016

Arising Out of PS.Case No. -220 Year- 2014 Thana -SIWAN CITY District- SIWAN

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Md. Shahabuddin Son of S M Hasibullah Resident of Village- Pratappur,
P.S.- Hussainganj, District- Siwan. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Y. V. Giri, Sr. Advocate
Mr. Pranav Kumar, Advocate
For the Opposite Party/s : Mr. R. N.Jha, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 07-09-2016 Heard learned Sr. Counsel for the petitioner and
learned counsel representing the State.

The petitioner wants to renew his prayer of bail, which was earlier rejected vide order dated 03.02.2016 passed in Cr. Misc. No. 30060 of 2015, on the ground that up-till-now the case has not been committed to the court of Sessions and trial has not even commenced. The petitioner has been transferred from Siwan Jail to Bhagalpur Central Jail vide order dated 20.05.2016 for six months and, as such, in near future the commitment is also not possible. There is no direct allegation against the petitioner, he is not the assailant and only on the allegation of conspiracy he is suffering in custody since 27.11.2014, in all other cases the petitioner has been allowed bail, even in the case wherein he has been convicted he has also been allowed bail and, as such, he

deserves sympathetic consideration because no one can be detained in custody for indefinite period without putting him on trial.

Learned APP opposes the prayer of bail by submitting that it is true that the petitioner has been shifted from Siwan Jail to Bhagalpur Central Jail on administrative grounds for six months under order dated 20.05.2016, resulting the case has not been committed as yet.

In the facts and circumstances stated above, finding no progress in the trial and further considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No. 220 of 2014, subject to the condition that any attempt to terrorize the prosecution witnesses or to tamper with the prosecution evidence by or on behalf of the petitioner, shall give liberty to the concerned court to cancel the bail bonds of the petitioner by giving sound reasoning after due and proper inquiry, that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain

present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)