

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49759 of 2016

Arising Out of PS.Case No. -114 Year- 2014 Thana -LALIT NARAYAN UNIVERSITY District-
DARBHANGA

=====

Md. Asif Eqbal @ Asif Eqbal Son of Md. Shahabuddin resident of village -
Taj Bishanpur Dih, Ali Nagar, P.S. LNMU, District - Darbhanga

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Tarun Prasad Mandal

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 07-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B), 120(B)/34 of the
Indian Penal Code.

Petitioner happens to be husband of the deceased
and earlier the prayer for bail of the petitioner was rejected by
this court vide order dated 30.01.2016 passed in Cr. Misc. No.
44818 of 2015. Petitioner is in jail custody since 27.08.2014 and
the impugned order dated 24.09.2016 goes to show that at the
time of passing impugned order six prosecution witnesses had



already been examined.

The trial court has sent its report vide letter no. 208/16 dated 02.12.2016 and the aforesaid report goes to show that till the date of sending aforesaid report only six prosecution witnesses had been examined. The learned trial court has reported that from 19.08.2016 to 16.09.2016, the prosecution witness could not be cross examined as it was informed that defence lawyer was fallen ill and thereafter, the informant was discharged. The trial court has also reported that seven proposed prosecution witnesses are yet to be examined. Therefore, the aforesaid circumstance goes to show that there is no possibility of conclusion of trial of the petitioner in near future.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of 4th Additional Sessions Judge, Darbhanga in connection with Sessions Trial No. 442 of 2014 arising out of L.N.M.U. P.S. Case No. 114 of 2014, subject to condition that he shall attend the trial court on each and every date in person for the 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 genuine cause, the learned trial court shall be
at liberty to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--

