

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40991 of 2016

Arising Out of PS.Case No. -101 Year- 2014 Thana -KOILWAR District- BHOJPUR

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Kameshwar Paswan son of Sipahi Paswan Resident of Village-Gidha, P.S.-
Koilwar, District-Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh
Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 20-10-2016 Heard Sri Surendra Kumar Singh, learned counsel
assisted by Sri Prabhat Kumar Singh, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

This is the 2nd attempt for grant of bail. Earlier, the
prayer for bail of the petitioner was rejected on 31-07-2015, vide
Cr. Misc. No. 19638 of 2015. The petitioner is in custody since
09-07-2014.

It was submitted by learned counsel for the petitioner
that it is true that on merit, the prayer for bail of petitioner was
earlier rejected, but fact remains that though the petitioner is in
custody since 2014, till date, no adequate progress has taken place
in the case.

In this case, by order dated 03-10-2016, a report was
called for from the court below regarding stage of the case, which

has been received and kept at flag 'A'. The report dated 18-10-2016 makes it clear that in this case, charge was framed long back on 29-04-2015 and thereafter, summons as well as bailable warrant of arrest were also issued for securing attendance of the witnesses, however; till date, before the court below, not a single witness has been produced by the prosecution.

Accordingly, the Court is of the view that without any adequate progress, the petitioner may not be detained further.

Let the petitioner namely Kameshwar Paswan 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 learned 6th Additional District & Sessions Judge, Bhojpur at Ara in connection with Sessions Trial No. 31 of 2015, arising out of Koilwar P.S. Case No. 101 of 2014, with condition that one of the bailor must be blood relation of the petitioner and secondly, on each and every date the petitioner shall remain physically present before the trial court. If continuously on two dates, the petitioner remains absent without prior permission of the trial court, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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