

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40320 of 2016

Arising Out of PS.Case No. -34 Year- 2009 Thana -MUSHAHARI District- MUZAFFARPUR

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1. Raj Kumar Bhagat Son of Ugan Bhagat Resident of Village - Dwarika Nagar, P.S. Mushahari, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 21-11-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was rejected by a coordinate bench of this court vide order dated 12-05-2010 passed in Cr. Misc. No. 5048 of 2010 but again, this petition has been filed by the petitioner on the ground that the petitioner is languishing in jail custody since 21-08-2009 and uptill now, his trial could not be concluded.

The trial court has reported that out of 10 proposed prosecution witnesses, only one prosecution witness has been left to be examined. The report of trial court goes to show that still the case is running for prosecution evidence, particularly, in the circumstance, when the petitioner is in jail custody for more than 7

years in a case of Sections-304B/307 of the Indian Penal Code.

No doubt, petitioner is said to have committed murder of his wife and made attempt to commit murder of his seven years old daughter but considering the above-said facts and circumstances as well as period of detention of the petitioner in jail custody, let the petitioner named above, 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 Mushahari P.S. Case No. 34 of 2009 corresponding to Sessions Trial No. 300 of 2010 to the satisfaction of learned Additional District & Sessions Judge-VI, Muzaffarpur subject to condition that one of the sureties must be close relative and holder of landed property.

A.K.V./-

(Hemant Kumar Srivastava, J)

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