

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6638 of 2016

Arising Out of PS.Case No. -24 Year- 2014 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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Pankaj Kumar, son of Uday Narayan Rai, Resident of village- Jahangirpur
Sham, P.S.- Desari (Chandpura O.P.), District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 13-04-2016

Heard.

The prayer for bail made on behalf of the petitioner with respect to a criminal prosecution registered under Sections 302 and 120B/34 of the Indian Penal Code was earlier rejected by an order dated 25.09.2014 passed in Cr.Misc.No.23323 of 2014 (Annexure-1) with an observation that, if the trial of the petitioner is not concluded within a period of one year from the date of framing of charge, then he shall be at liberty to renew his prayer for bail.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody in connection with the present case since 10.02.2014 i.e. more than two years and charge against him was framed on 07.01.2015, yet trial of the petitioner has not been concluded despite the observations and directions made by this Court.

A report has been submitted by the learned trial court in response to the order dated 16.03.2016 passed by this Court, which has been kept at Flag 'A'. From perusal of the report, it

appears that only one witness has been examined till date on behalf of the prosecution.

Learned Addl.P.P. appearing on behalf of the State does not dispute the aforesaid submissions.

In the aforesaid facts and circumstances particularly taking into consideration the period of incarceration as also taking into consideration the observations made by this Court in its order dated 25.09.2014 passed in Cr.Misc.No.23323 of 2014 (Annexure-1) and further taking into consideration the fact that the trial of the petitioner is not likely to be concluded in near future, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Vaishali at Hajipur in connection with Sessions Trial No.452/2014 arising out of Bidupur P.S. Case No.24 of 2014 (G.R.No.407/2014), subject to the condition that:

- (A) One of the bailors shall be government servant,
- (B) other bailor shall be either family member or close relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (C) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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