

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45574 of 2015

Arising Out of PS.Case No. -267 Year- 2006 Thana -BARH District- PATNA

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Manoj Kumar @ Manoj Roy Son of Radhey Rai @ Radhey Prasad Yadav Resident of village - Sekhopur, P.S. Barh, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Arun Kumar Pandey(APP)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

3. 10-02-2016 The petitioner has some criminal antecedents. He was then accused in Barh P.S. Case No. 267/2006 instituted under Section 302 read with various sections of the Arms Act. He was arrested after two years of the institution of the case in the year 2008, and has been in custody since then. The custody, thus, is now over seven years. He had applied for bail before this Court which was rejected by order dated 02.02.2011 passed in Cr. Misc. No. 20527/2010 with a direction to expedite the trial. After almost four years, he moved again by filing this present application, and this Court noticed from the records, it reveals that the evidence was closed in the year 2010, and since 2010, the case has been



fixed for hearing and is being adjourned day to day. By order dated 04.11.2015, it called for a report from the trial court. The trial court sent a detailed report under Memo No. 220 dated 20.11.2015 being the court of 2nd Additional Sessions Judge, Barh. It mentioned that the arguments on day to day basis have started since 10th of November, 2015, and the case would be over in the shortest time.

Learned counsel for the petitioner contradicts this and produces the order-sheet of the court to show that even though the hearing started on 10.11.2015, we are almost three months from that date, nothing, in fact, has happened. The prosecution now wants amendment of charge and certain different documents which are missing from the records. The fact of the matter is that the petitioner remains in custody at the cost of prosecution.

Considering the manner in which the trial is being conducted, let the petitioner namely, Manoj Kumar @ Manoj Roy, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each

to the satisfaction of learned Additional Session Judge –
II, Barh, Patna, in connection with Session Trial No.
49/2009 arising out of Barh P.S. Case No. 267/2006.

(Navaniti Prasad Singh, J.)

Rajeev/-

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