

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39653 of 2016

Arising Out of PS.Case No. -48 Year- 2002 Thana -DORIGANJ District- SARAN

=====

1. Binod Rai s/o late Lalit Rai resident of village- Chakia, P.S.- Doriganj,
District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 26-10-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

No doubt, petitioner is said to have opened fire on the deceased but the petitioner is in jail custody since 14-06-2011 and uptill now, only two prosecution witnesses could be examined by the prosecution, which is evident from perusal of report of learned trial court. It would also appear from the report of learned trial court that in spite of issuance of process through the Superintendent of Police, Saran, witnesses could not be produced before the trial court. Furthermore, I find that charge against the petitioner was framed on 16-02-2012 and still 22 prosecution witnesses are left to be examined. The aforesaid fact goes to show the slackness of not only prosecution but police officials also. It is

a matter of commonsense that an accused cannot be detained in jail custody for an uncertain period without any substantial progress in his trial.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of this fact that the petitioner does not have any criminal antecedent, 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 Doriganj P.S. Case No. 48 of 2002 corresponding to Sessions Trial No. 39 of 2012 to the satisfaction of learned Additional District & Sessions Judge-X, Saran.

A.K.V./-

(Hemant Kumar Srivastava, J)

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