

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36799 of 2016

Arising Out of PS.Case No. -64 Year- 2012 Thana -KOCHAS District- SASARAM (ROHTAS)

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1. Mumtaz Ansari, S/o Sultan Ansari, resident of Village- Madan Semariya,
P.S.- Kocha, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ful Man Singh

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 07-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner happens to be husband of the deceased and
earlier his prayer for bail was twice rejected. However, while
rejecting the bail petition of the petitioner on 26-11-2014, this
court directed the trial court to conclude the trial of the petitioner
within seven months from the date of receipt/production of copy
of the order.

The report of learned trial court goes to show that the
order dated 26-11-2014 passed in Cr. Misc. No. 30525 of 2014
was received in the court on 29-11-2014. Furthermore, the report
of learned trial court goes to show that a petition to add the charge
u/S 302 of the Indian Penal Code was filed by the prosecution and
subsequently, the aforesaid petition was allowed and the witnesses



were recalled for cross-examination on the point of adding the charge u/S 302 of the Indian Penal Code. Therefore, it is apparent that trial of the petitioner is still pending. The petitioner is languishing in jail custody since 04-10-2012 i.e. for more than four years.

Therefore, considering the above-said facts and circumstances as well as period of detention of the petitioner in jail custody, particularly, keeping in mind that trial of the petitioner is not going to be concluded in near future, 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 Kochas P.S. Case No. 64 of 2012 corresponding to Sessions Trial No. 169 of 2013 to the satisfaction of Learned Additional Sessions Judge-IV, Rohtas at Sasaram subject to condition that the petitioner shall attend the trial court, in person on each and every date for a period of six months or till conclusion of his trial, whichever is earlier and if, he fails to do so on two consecutive dates without any reasonable cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Hemant Kumar Srivastava, J)

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