

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12743 of 2016

Arising Out of PS.Case No. -218 Year- 2012 Thana -MOTIHARI MUFASIL District- EAST
CHAMPARAN (MOTIHARI)

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Surendra Sah, son of Late Kishun Sah, resident of Village Khajuriya, P.S.
Dumariyaghat, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr. Jitendra Kumar Singh-I, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-08-2016

Heard both sides.

The petitioner seeks bail in Sessions Trial No. 280 of 2013, arising out of Motihari Mufassil P.S. Case No. 218 of 2012 registered under Sections 392 and 412 of the Indian Penal Code.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected by this Court vide order dated 28.07.2015 passed in Cr. Misc. No. 8651/2015 with a direction to the learned 4th Additional Sessions Judge, East Champaran, Motihari, who was in seisin of the trial, to conclude the trial within six months but the trial has not yet been concluded. It is submitted that the petitioner is in jail since 20.07.2012. The petitioner has already remained in jail for more than four years.

It appears from perusal of the order of the learned 9th Additional Sessions Judge, East Champaran at Motihari that in

spite of the order of this Court passed in Cr. Misc. No. 8651/2015, the learned Additional Sessions Judge did not take any step to procure the attendance of the prosecution witnesses and the facts stated in the order sheet itself speak a lot about the casual approach of the learned Additional Sessions Judge in disposal of the Sessions Trial in spite of the direction of this Court. The 9th Additional Sessions Judge, East Champaran at Motihari is directed to be careful in future in compliance of the order of this Court.

Since the petitioner is in jail for more than four years, considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 9th Additional Sessions Judge, East Champaran at Motihari in Sessions Trial No. 280 of 2013, arising out of Motihari Mufassil P.S. Case No. 218 of 2012.

(Prabhat Kumar Jha, J)

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