

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37985 of 2015

Arising Out of PS.Case No. -185 Year- 2011 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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Arjun Giri Son of Late Darshan Giri Resident of village - Chatiya Tola
Mathiya, Police Station - Malahi (Gobindganj), District - East Champaran
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

5 19-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner wants to renew the prayer of bail which was earlier twice rejected by order dated 09.10.2012 and 10.12.2014 vide Cri. Misc. No. 41032/12 and 45019/13 respectively, on the ground that the petitioner is suffering in custody since 20.07.2012 and in spite of direction given by this Court in order dated 10.12.2014, the trial has not been concluded within the period of 4 months and it reveals that only three witnesses have been examined out of 10 charge-sheet witnesses and in near future the trial is not likely to be concluded.

Submission is of false implication and there is no direct evidence against the petitioner, only material has come that he used to talk with the deceased and was on visiting term. Further the doctor has not found spermatozoa in swab taken for

examination. The implication of the petitioner appears not probable and reliable. From para-23 of the case-diary it reveals that the grandfather of the deceased was uttering in the village that snake bite his grand-daughter and, as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that in spite of the direction of the Court given in order dated 10.12.2014, the trial has not been concluded and further in near future the trial is not likely to be concluded and there is no direct evidence against the petitioner and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Additional Sessions Judge XII, East Champaran at Motihari arising out of Gobindganj (Malahi) P.S. Case No. 185 of 2011 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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