

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 4577 of 2016

Arising Out of PS.Case No. -399 Year- 2013 Thana -JAKKANPUR District- PATNA

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Munna Kumar son of Sri Mahendra Prasad, resident of village- Chauriya,
P.S.- Harnaut, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar

For the Opposite Party/s : Mr. M.Rab (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 02-03-2016 Heard Sri Raj Shekhar, learned counsel for the
petitioner and Mr. M.Rab, learned Addl. Public Prosecutor.

This is the 2nd attempt for grant of bail on behalf of
petitioner. Earlier, prayer for bail of the petitioner was rejected by
a detailed order on 04-02-2015, vide Cr. Misc. No. 44754 of 2014.
However, while dismissing the bail petition, this Court had
observed that the trial court may take appropriate step for early
disposal of the trial. Thereafter, the present petition was filed, in
which, by order dated 10-02-2016, a report was called for from the
court below, which has been received and kept at **flag 'G'**. On
perusal of the report, it appears that though charges were framed
on 23-04-2014, till date, none of the prosecution witness has
appeared despite issuance of summons andailable warrant. It is a

fact that the petitioner is in custody since 05-11-2013 and one of the co-accused, almost having similar accusation, has already been granted bail long back.

Keeping in view the fact that despite direction for expeditious disposal of the case, the case has not proceeded, the Court is of the opinion that one may not be detained for an indefinite period without reasonable progress in the trial.

Accordingly, let the petitioner namely Munna Kumar 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 learned VIIth Additional Sessions Judge, Patna in connection with Sessions Trial No. 290 of 2014 (arising out of Jakkanpur P.S. Case No. 399 of 2013), with condition that one of the bailor must be blood relation of the petitioner and secondly, during trial, the petitioner shall remain physically present on each and every date. If continuously on two dates the petitioner fails to appear before the trial court, without prior permission of the trial court, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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