

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13302 of 2016

Arising Out of PS.Case No. -137 Year- 2009 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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Mukesh Kumar Chaudhary son of late Devendra Chaudhary resident of
Village : Ratanpura, P.S. : Bhagwanpur, District : Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jitendra Kumar, Advocate

For the Opposite Party : Mr. A.A Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 04.01.2014 in
connection with Bhagwanpur P.S. Case No. 137 of 2009 for the
offences instituted under Sections 376/34 of the Indian Penal
Code.

This is the second attempt for grant of regular bail on
behalf of the petitioner.

The earlier bail application of the petitioner was
rejected vide Cr.Misc.No.25020 of 2015 dated 02.09.2015 with a
direction to the trial court to conclude the trial preferably within a
period of six months from the date of receipt/production of copy
of this order.



Vide order dated 30.03.2016 a report regarding the stage of the case was called for from the court below. The said report is at flag-‘A’. It has been stated that altogether ten chargesheet witnesses on behalf of the prosecution, out of which, one official witness and four witnesses are yet to be examined. The trial court had already issued summons, W/A (bailable), W/A(N.B.) and Notice under Section 170(2) of the Cr.P.C. in respect to the production of the prosecution witnesses. The trial court have also sent a letter to the Superintendent of Police, Vaishali at Hajipur bearing letter no.1390 of 2015 dated 18th September, 2015 requesting him to produce witnesses mentioned in the chargesheet. All has gone in vain. .

It has been submitted on behalf of the petitioner that since he has already remained in custody since 04.01.2014 and in spite of the direction of the Court, the witnesses are not being produced by the prosecution.

In the said circumstances, the case of the petitioner for grant of bail be considered.

Considering the aforesaid facts and circumstances and the period of custody already undergone by the petitioner, let the petitioner above named, be released on bail in the in connection with **Sessions Trial No.54 of 2014 arising out of Bhagwanpur**

P.S. Case No. 137 of 2009 on furnishing 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-3rd,**
Vaishali at Hajipur.

(Sudhir Singh, J)

Brajesh Kr./-

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