

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21586 of 2016

Arising Out of PS.Case No. -13 Year- 2014 Thana -WEST CHAMPARAN GRP CASE District-
WESTCHAMPARAN(BETTIAH)

=====

Kishore Prasad @ Brij Kishore Prasad son of Late Deenanath Prasad,
Resident of Village Gyan Babu Chauk, Police Station- Motihari Town,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh (APP)

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 24-08-2016 Heard the parties.

The prayer for bail made on behalf of the petitioner with respect to a criminal prosecution registered under Sections 328, 379 and 307/34 of the Indian Penal Code was rejected earlier by order dated 10.4.2015 (Annexure-1) passed in Cr. Misc. No. 42719 of 2014 with an observation that if the trial of the petitioner is not concluded within a period of one year from the date of framing of charge, without there being any fault on the part of the petitioner, then he shall be at liberty to renew his prayer for bail before the learned trial Court itself.

The learned counsel appearing on behalf of the petitioner submits that in the present case the petitioner was arrested on 20.5.2014 and charge against him was framed on 28.11.2014, but till date trial has not concluded; therefore, the petitioner renewed his prayer for bail before the learned trial court.

By order dated 18.5.2016, a report was called for from the learned trial court about status of the trial of the petitioner.

Accordingly, the report by the trial court has been submitted, which is kept at flag-A. From perusal of the aforesaid report, it appears that the charge against the petitioner was framed on 28.11.2014 and out of 9 charge sheet witnesses, only one witness was examined on 29.6.2015. Thereafter, no witness was produced. Hence, the trial has not progressed.

The learned Additional Public Prosecutor appearing on behalf of the State does not dispute the aforesaid factual position.

In the aforesaid factual matrices and in view of the observations made by this Court earlier in the order dated 10.4.2015 (Annexure-1), this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Bettiah, (West Champaran), in connection with S.Tr. No. 706 of 2014, arising out of Sugauli Rail Police Station Case No. 13 of 2014, subject to the conditions that:

- (A). One bailor shall be a government servant,
- (B) The other bailor shall be a family member or close relation of the petitioner, who will file an affidavit in the Court below showing his relationship with the petitioner,
- (C). if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with

law after giving an opportunity of hearing to all concerned and

(C). the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

BTiwary/-

U		T	
---	--	---	--