

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9008 of 2017

Arising Out of PS.Case No. -128 Year- 2011 Thana -SIMRIBAZAR District- DARBHANGA

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Ram Chandra Bhagat, son of Julmi Bhagat, resident of Village- Kanshi,
Police Station- Simri, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 12-04-2017 Heard Mr. Manish Kumar No.2 for the petitioner
and Mr. Dayal, APP for the State.

At least on four occasions the prayer for bail made on behalf of the petitioner was considered and rejected as he was accused of the case registered under section 302 IPC with an allegation of assault with a Khanti on the deceased. The last order dated 09.11.2016 records that the trial has ensued in which five prosecution witnesses have been examined.

It is submitted that the petitioner is in custody since last five years and all other accuseds of this case have been granted bail.

Status report was called for which is placed at



Flag A wherefrom it appears that till date 07 witnesses have been examined on behalf of the prosecution.

Counsel for the petitioner submits that with the pace the prosecution is proceeding, there is no chance of disposal of the case in the immediate future.

Considering the facts and circumstances of the case as well as the period of incarceration of the petitioner, this Court, while declining the relief, disposed of the application by the following order:-

Let the trial court make endeavour and conclude the examination of all the prosecution witnesses within 07 months from the date of receipt/production of a copy of this order before the learned presiding court failing which the petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction 2nd Addl. Sessions Judge, Darbhanga in S. T. No. 372 of 2012 (arising out of Simri P.S. Case No. 128 of 2011) on condition that one of the bailors shall be his own/close family members. Moreover, the petitioner shall appear personally on each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel his bail bonds and secure his



arrest in accordance with law.

(Kishore Kumar Mandal, J)

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