

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11440 of 2017

Arising Out of PS.Case No. -15 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Sheikh Tajmul Son of Late Sheikh Dukhi Resident of Village - Inarawa
Bhat, P.S. Paharpur, District - East Champaran. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shally Kumari, Advocate

For the Opposite Party/s : Mr. Sri Amrendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 26-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner wants to renew his prayer for bail, which was earlier rejected vide order dated 09.05.2016 passed in Cr. Misc. No. 49914 of 2015, on the ground that the petitioner is suffering in custody since 26.02.2015, there is no eye witness of the occurrence besides suspicion there is nothing against him. As a mater of fact, the petitioner has informed the informant as the wife of the petitioner had gone away from the house and after search her dead body was found. Trial has not been concluded within a period of nine months and up-till now not even a single witness has been examined and in near future trial is not likely to be concluded. There is no chance of tampering with the prosecution evidence.



The learned A.P.P. fairly submits that the petitioner is in custody since 26.02.2015 but trial has not been concluded within nine months.

In the facts and circumstances as stated above, 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 Judicial Magistrate 1st Class, Motihari in connection with Paharpur P.S. Case No. 15 of 2015, 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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