

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.21211 of 2017**

Arising Out of PS.Case No. -459 Year- 2015 Thana -MAJHAULIA District-  
WESTCHAMPARAN(BETTIAH)

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Rozy Mian Son of late Jan Mian Resident of Village- Ojha Mathiay, Police  
Station- Majhauria, District- West Champaran.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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

ORAL ORDER

2      21-06-2017                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

The petitioner wants to renew his prayer of bail, which  
was earlier rejected twice vide order dated 04.05.2016 and  
30.11.2016 passed in Cr. Misc. No. 12289 of 2016 and 49892 of  
2016, on the ground that the petitioner is suffering in custody  
since 10.01.2016, the deceased died due to Septicemia and  
Hepatic disorder and during post mortem only two injuries have  
been found. There is no specific allegation against the petitioner,  
there was direction to conclude the trial preferably within four  
months, failing which the petitioner, if at no fault, was given  
liberty to renew his prayer of bail. Up-till-now only five  
prosecution witnesses have been examined and in near future the  
trial is not likely to be concluded and also at best it can be a case



under Section 304 IPC.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that the trial has not been concluded within time given by this Court and there is general and omnibus allegation, 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 Additional Sessions Judge 5<sup>th</sup>, Bettiah, West Champaran in S. Tr. No. 396 of 2016 arising out of Majhauria P.S. Case No. 459 of 2015, subject to the conditions that one of the bailors must be a 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.

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**(Jitendra Mohan Sharma, J)**

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