

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12296 of 2017

Arising Out of PS.Case No. -96 Year- 2014 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

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1. Rajesh Kumar @ Rajesh Sah Son of Ram Chandra Sah, Resident of
Village-Pandeypur, Police Station-Indrapuri, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey

For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 03-05-2017 Heard learned counsel for the petitioner and the State.

This is the third attempt of the petitioner seek bail in a case registered under Sections 304B/201/34 of the IPC. The first prayer for bail was considered and rejected vide order dated 14.05.2015 (Annexure-1 at page 8) whereby he was granted liberty to renew prayer for bail if the charges are not framed within 10 months. Subsequently, the petitioner again prayed for bail which was considered and disposed of vide order dated 30.03.2016 (Annexure-1 at page 10) whereby, on a consideration of the status report submitted by the learned Trial Court, this Court, while refusing prayer for bail, directed the Trial Court to take steps in right earnest to examine the remaining PWs within



five months. As the prosecution failed to examine all the prosecution witnesses within the aforesaid time, again a prayer for bail was made before the Trial Court which was rejected whereagainst the present application for bail has been filed.

A supplementary affidavit is filed. Entire order sheet of the learned Trial Court in Sessions Trial No. 538 of 2014 commencing from 1.9.2014 has been filed. It appears that since last 04 months the case is being adjourned. The prosecution failed to produce the official witness.

After having heard both sides, this Court, while declining the relief made in this application, dispose of the same by the following order:-

Let the Trial Court take appropriate steps for the examination of the remaining prosecution witnesses within three months from the date of receipt/ production of a copy of this order, failing which the petitioner shall be set at liberty on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional District and Sessions Judge, Rohtas (Bihar) in connection with Sessions Trial No. 538 of 2014, arising out of Dihri (Indrapuri) P.S. case No. 96 of 2014 subject to the following conditions:-

- (i) One of the bailors shall be the



own/close family member of the petitioner.

- (ii) The petitioner shall continue to appear before the Court below in person on each date fixed at the trial. In case of default in doing so on two consecutive dates, trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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