

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20614 of 2017**

Arising Out of PS.Case No. -14 Year- 2013 Thana -FORBESGANJ District- ARRARIA

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Subhan @ Subhan Miyan, son of Khatroo Mian resident of village  
Piparaghat Tappu Tola, P.S. Jogbani, District Araria

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3      17-05-2017                      Heard Sri Anil Prasad Singh, learned counsel for the  
  
petitioner and Sri Brajendra Nath Pandey, learned Additional  
  
Public Prosecutor .

The petitioner, who is in custody since 5.8.2014 in connection with Sessions Trial No. 214 of 2014 arising out of Forbisganj P.S. Case No. 14 of 2013 corresponding to G.R. No. 119 of 2013 registered for the offence under Section 395/397, 412 of the Indian Penal Code , has renewed his prayer for bail on the third occasion. Earlier, twice prayer for bail of the petitioner was rejected. Even on the last occasion i.e. on 14.09.2016 while dismissing the prayer for bail this court had directed the concerned Superintendent of Police to ensure production of witnesses. In this case by order dated 03.05.2017 a report was called for from the court below regarding the stage of the case ,



which has been received and kept at flag 'X'. The report dated 6.5.2017 makes it clear that after framing of charge only two witnesses could be produced, whereas regarding rest of the witnesses all processes has already been exhausted. It was submitted by learned counsel for the petitioner that in the present case there was only two accused and one accused namely, Rustam had not appeared and thereafter, the case of the petitioner was separated and even though petitioner is in custody since 2014 no appropriate progress is being made before the trial court.

In view of the facts and circumstances particularly the period of custody as well as laches on the part of the prosecution, the court is of the opinion that petitioner may not further be detained.

Let the petitioner Subhan @ Subhan Miyan be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge, Araria / concerned court in connection with S.T. No. 214 of 2014 arising out of Forbesganj P.S. Case No. 14 of 2013 corresponding to G.R. No. 119 of 2013 with condition that one of the bailors must be blood relation of the petitioner and secondly during trial petitioner shall remain physically present on each and every date.



If continuously on two dates without prior permission of the trial court the petitioner remains absent, his bail bond shall automatically stand cancelled.

**(Rakesh Kumar, J)**

Praful/-

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