

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42226 of 2017

Arising Out of PS.Case No. -497 Year- 2013 Thana -SHERGHATI District- GAYA

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Satyendra Vishwakarma, Son of Krishna Vishwakarma, resident of
Village- Bar, P.S.- Sherghati, District- Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh

For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 18-10-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner being husband of the deceased is
languishing in jail custody since 11.04.2016 in a case in which
charge under Section 304B and other relevant sections of the
Indian Penal Code have been framed against him.

Earlier the bail prayer of the petitioner was rejected
by this court vide order dated 02.12.2016 giving direction to trial
court to conclude the trial of the petitioner within four months
from the date of framing of the charge and also liberty was granted
to the petitioner to renew his prayer for bail, if his trial is not
concluded within above stated period due to laches of the
prosecution.



The trial court vide letter no. 85/2017 dated 14.09.2017 has reported that out of ten proposed prosecution witnesses, five have already been examined and so far as remaining prosecution witnesses are concerned, the trial court has issued bailable as well as non bailable warrants to procure the attendance of remaining prosecution witnesses but even then they did not turn up. Furthermore, it would appear that charge against the petitioner was framed on 30.01.2017 and even after passing of near about nine months from the date of framing of the charge, the trial of the petitioner could not be concluded.

Therefore, considering the observation given by me in my previous order dated 02.12.2016 passed in Cr. Misc. No. 45820 of 2016 as well as stage of the trial, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VIII, Gaya in connection with Sessions Trial No. 04 of 2017/61 of 2017 arising out of Sherghati P.S. Case No. 497 of 2013.

(Hemant Kumar Srivastava, J)

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