

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31956 of 2017

Arising Out of PS.Case No. -305 Year- 2014 Thana -CIVIL LINE District- GAYA

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1. Munna Upadhyay @ Uma Shankar Upadhyay Son of Late Shiv Babu
Upadhyay, R/o Mohalla- Nawgrhi, P.S.- Bishnupath, District- Gaya
.... Petitioner

Versus

1. The State of Bihar
.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bakshi S.R.P. Sinha, Sr. Adv. with
Mr. Mrigendra Pratap Singh, Adv.
For the Opposite Party : Mr. Akhileshwar Dayal, APP 74

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

6 11-10-2017 Heard Mr. Bakshi S.R.P. Sinha, the learned senior
counsel appearing on behalf of the petitioner, the learned counsel
for the informant and the learned Additional Public Prosecutor.

The petitioner seeks bail in Sessions Trial No. 159 of
2015 arising out of Civil Lines P.S. Case No. 305 of 2014
registered under Section 304/34 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier
rejected twice by this Court vide order, dated 03.09.2015, passed
in Cr. Misc. No. 20806 of 2015, and by order, dated 14.09.2016,
passed in Cr. Misc. No. 13973 of 2016.

This Court vide order, dated 14.09.2016, directed the
trial Court to hold the trial on day-to-day basis and if the trial is
not concluded within nine months, the petitioner may renew his
prayer for bail.

Mr. Bakshi S.R.P. Sinha, the learned senior counsel
appearing for the petitioner, submits that about 13 months have
elapsed, after the order, dated 14.09.2016, passed in Cr. Misc. No.
13973 of 2016, but, the trial has not yet been concluded. Out of



13 witnesses, only 8 witnesses have been examined till date.

The learned counsel for the informant submits that the trial is going-on on day-to-day basis. It appears that the petitioner is in jail for more than two and half years, but, the trial has not yet been concluded in spite of the direction of this Court.

Considering the entire facts and circumstances, aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Sessions Trial No. 159 of 2015** arising out of Civil Lines P.S. Case No. 305 of 2014 to the satisfaction of the **Additional Sessions Judge, VII, Gaya**, subject to the condition that the petitioner shall appear on each and every date during the course of trial. If the petitioner absented himself on any two consecutive dates, the trial Court shall cancel the bail of the petitioner forthwith.

(Prabhat Kumar Jha, J)

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