

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26530 of 2017

Arising Out of PS.Case No. -2 Year- 2012 Thana -ISMILEPUR District- BHAGALPUR

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Guddu Das, Son of Tirath Das, Resident of Village-Chhoti Parbatta. P.S.
Ismilepur, District-Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.01.2012 in connection with Sessions Trial No. 630 of 2012
arising out of Ismailpur P.S. Case No.02 of 2012 for offences
punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that on 17.01.2012 at 7.30 P.M. the son of the informant went out
in the Angan for natural call, in the meantime, the petitioner along
with other co-accused persons of this case entered the Angan and
thereafter the petitioner and other co-accused Chandradeo Das
with Kudal (Spade) and the sickle respectively, gave several blows
on Deepak Kumar the son of the informant. The son of the



informant after getting such blows, fell down and became unconscious due to such injuries. The informant made alarm, the people of the vicinity rushed there and but the miscreants including the petitioner escaped away from there. The injured son of the informant was taken to the hospital at Bhagalpur for treatment but he died during the course of treatment. The reasons assigned behind the said occurrence, is said to be that the sons of the informant were named accused in the murder of the son of Chandradeo Das who is also accused in this case.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case out of personal enmity. He submits that the petitioner has no criminal antecedent and his bail was earlier rejected by order dated 21.03.2014 in Cr. Misc. No. 41141 of 2013 with direction to expedite the trial and conclude it preferably within six months. He submits that when the trial was not concluded the petitioner again moved before this Court in Cr. Misc. No. 43743 of 2014 which was rejected on 19.11.2014 by a coordinate Bench of this Court with an observation that trial be expedited. It has been submitted that in the year 2014 out of 14 witnesses only three witnesses have been examined who had turned hostile. In this connection a report was called for from the



court of Additional District Judge-II, Naugachia District Bhagalpur as to the stage of the trial and also the time-frame within which the trial is likely to be concluded.

A report has come stating therein that uptil now only four witnesses have been examined and the S.P. Naugachia is not taking any interest in procuring the attendance of the witnesses.

Learned counsel for the petitioner has submitted that the petitioner is languishing in judicial custody since more than five years and the trial is proceeding with slow pace.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Naugachia, District-Bhagalpur in connection with S.T. No. 630 of 2012 arising out of Ismailpur P.S. Case No. 02 of 2012, subject to the condition that one of the bailors would be parent of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during



trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

The S.P. Naugachia District-Bhagalpur is directed to produce the witnesses in trial so that the trial would proceed and submit a report before this Court within two weeks. Registry to communicate the order by fax to the Superintendent of Police Naugachia.

(Nilu Agrawal, J)

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