

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24353 of 2017

Arising Out of PS.Case No. -120 Year- 2012 Thana -THAWE District- GOPALGANJ

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1. Arjun Pandey Son of Late Ganga Sagar Pandey, R/o Village- Chitu Tola,
P.S.- Thawe, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary

For the Opposite Party/s Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 02.08.2017 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 19.8.2012 in a case
registered under section 364A of the IPC and subsequently, section
302/34 of the IPC was added.

The name of the petitioner surfaced in this case in course of
investigation and it is alleged that on the basis of confessional
statement of the petitioner weapon used in committing the murder of
the deceased was recovered from his house and taking note of the
aforesaid fact, earlier prayer for bail of the petitioner was rejected by
this court vide order dated 01.02.2016 passed in Cr. Misc. no.
45141/2015 but report of Addl. Sessions Judge VIII, Gopalganj shows
that charge against the petitioner was framed on 16.5.2015 and up till
now, eight witnesses could be examined and the case is pending for
recording the evidence of remaining witnesses. The Addl. Sessions



Judge VIII, Gopalganj has not mentioned in his report as to how many witnesses have been left to be examined.

Moreover, taking note of the aforesaid facts as well as the period of detention of the petitioner in jail custody, particularly, keeping in mind that no person can be detained in jail for a long period only for the purpose of trial unless it is needed for fair trial, petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge III, Gopalganj in Sessions trial no. 131/2015 arising out of Thawey P.S. Case no. 120/2012 subject to condition that he shall remain present in the trial court on each and every date in person for the period of four months or till conclusion of the trial whichever is earlier and if he fails to appear before the trial court on two consecutive dates without any reasonable cause, trial court shall be at liberty to cancel the bail bonds of the petitioner after due and proper enquiry.

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(Hemant Kumar Srivastava,J)

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