

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54762 of 2017

Arising Out of PS.Case No. -141 Year- 2013 Thana -MADANPUR District- AURANGABAD

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Kamlesh Choudhary, son of Shaudagar Choudhary, resident of Village-
Jhikatiya, Police Station- Madanpur, District- Aurangabad (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party : Mr. Ram Priya Sharan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 29-11-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 304(B) of the Indian Penal
Code.

Earlier the prayer for bail of the petitioner was twice
rejected but while rejecting the prayer for bail of the petitioner on
21.09.2016, this court directed the trial court to conclude the trial
of the petitioner within four months from the date of
receipt/production of copy of that order and a liberty was granted
to the petitioner to renew his prayer for bail before the trial court,
if his trial is not concluded within the above stated period.



The trial court vide letter no. 241/17 dated 22.11.2017 has reported that the prosecution case was closed on 20.04.2017 but subsequently, a petition under Section 311 of the Cr.P.C. was filed on behalf of the prosecution making prayer for taking evidence of the investigating officer. The aforesaid petition of prosecution was allowed and subsequently, the investigating officer was examined on 12.09.2017 and again the prosecution case was closed on 12.10.2017 but the prosecution again filed a petition under Section 311 of the Cr.P.C. for examination of the doctor and the prayer of the prosecution was allowed and the trial of the petitioner is still pending for examination of the doctor.

Petitioner is in jail custody since 27.05.2014 and due to laches of the prosecution, the trial of the petitioner could not be concluded within the time as framed by this court. It is well settled principle of law that speedy trial is a fundamental right of an accused and no person can be detained in jail custody in the name of trial for indefinite period.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 1st



Additional Sessions Judge, Aurangabad in connection with
Sessions Trial No. 384 of 2014/ 45 of 2014 arising out of
Madanpur P.S. Case No. 141 of 2013.

(Hemant Kumar Srivastava, J)

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