

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 53701 of 2017

Arising Out of PS. Case No.-293 Year-2015 Thana- Barachatti District- Gaya

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Guddu Prasad, Son of Late Rambriksh Prasad, resident of Village-Gangatti,
P.S.-Barachatti, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Niranjana Kumar, Adv.

For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 06-12-2017 Heard Sri Niranjana Kumar, learned counsel for the
petitioner and Smt. Pushpa Sinha, learned Addl. Public
Prosecutor.

This is the 2nd attempt for grant of bail. Earlier, the prayer
for bail of petitioner was rejected on 17-11-2016, vide Cr. Misc.
No. 30531 of 2016. While rejecting the prayer for bail,
considering the fact that petitioner was in custody since
23-07-2015, this Court had observed that learned court below
may take appropriate step so that the case may come to its
logical end without unnecessary delay. The petitioner is in
custody in Barachatti P.S. Case No. 293 of 2015 registered for
offence under Section 498(A), 302 of the Indian Penal Code and
Sections 3 & 4 of the Dowry Prohibition Act, 1961.

In the present case, by order dated 15-11-2017, a report



was called for from the court below regarding stage of the case, which has been received and kept at flag 'C'. The report contained in letter no. 123 dated 28th November, 2017 sent under the signature of learned Addl. District & Sessions Judge – 8th, Gaya makes it clear that during the trial, charges were framed on 02-11-2016 and thereafter, for securing the attendance of witnesses, Summon, Bailable Warrant, Dasti Summon and N.B.W. had already been issued, but the prosecution has not produced even single witness.

Learned Addl. Public Prosecutor, opposing the prayer for bail, submits that petitioner was the husband of the deceased and as such, he does not deserve the privilege of bail.

However, considering the fact that petitioner is in custody, without speedy trial, certainly he may not be detained in custody for indefinite period. The report is very much specific, which suggests that prosecution is not taking any interest for early disposal.

Accordingly, the petitioner namely Guddu Prasad is directed to be released 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 Addl. District & Sessions Judge – VII, Gaya in connection with Barachatti P.S. Case No.



293 of 2015 (S. Trial No. 182/16/401/16), with condition that one of the bailor must be blood relation of the petitioner and during trial, on each and every date, the petitioner shall remain physically present. If continuously on two dates, he fails to appear before the trial court, without its prior permission, his bail-bond shall stands automatically cancelled.

(Rakesh Kumar, J.)

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