

Arising Out of PS. Case No.-36 Year-2015 Thana- MAHILA P.S. District- Madhubani

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Dr. Satyendra Kumar Srivastava, Adv.

For the Opposite Party : Mrs. INDU KUMARI SRIVASTAVA, APP 23

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-03-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The prayer for bail of the petitioner was earlier rejected by order, dated 18.08.2016, passed in Cr. Misc. No. 31101 of 2016.

The petitioner has renewed the prayer for bail, which was, again, rejected on 28.02,2017 in Cr. Misc. No. 3705 of 2017 with a direction to the Court below to expedite the trial of the accused persons. The petitioner was given liberty to renew the prayer for bail after nine months, if no substantive progress is made in the trial.

A report was called for from the Court below from which it appears that even charge has not been framed by the trial Judge. The trial Judge mentioned in the report that case is pending at present for hearing on discharge petition filed by



another accused, Indra Jha @ Indra Nath Jha on 25.04.2017 and rejoinder filed by the prosecution on 07.08.2017 and in spite of repeated directions the defence is not appearing to argue on that petition, which clearly shows that the petition is filed only to delay the disposal of the case.

The counsel for the petitioner submitted that the petitioner is in custody since 20.10.2016.

Under such circumstances, this Court is of the view that the trial Court is totally negligent and not even framed the charge in this case after rejection of the bail order by this Court on 28.02.2017, passed in Cr. Misc. No. 3705 of 2017. This shows that Court has no control over proceeding of the Court and not at all serious to comply the order passed by this Court.

Keeping in view that the petitioner is in custody since 20.10.2016 and even charge has not been framed in this case by the Court below till date, the prayer for bail is allowed.

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 Madhubani Mahila P.S. Case No. 36 of 2015 to the satisfaction



of the Additional Sessions Judge I-cum-Special Judge,
Madhubani.

The petitioner will cooperate in the trial and will not try to intimidate or influence the witness(es) and will remain physically present on each and every date. The bail bond of the petitioner will be liable to be cancelled in the event the petitioner remains absent on two consecutive dates without reasonable cause.

Let this order be communicated to the officer, concerned, and enclosed in his Annual Character Roll.

(Sanjay Priya, J)

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