

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62321 of 2017

Arising Out of PS.Case No. -197 Year- 2013 Thana -ATRI District- GAYA

=====

1. Birendra Chaudhary S/o Late Bhola Chaudhary, R/o Tesusa, P.S.- Atri,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. Sri Pranav Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 21-02-2018

Heard both sides.

The petitioner seeks bail in Atri P.S. case No. 197 of 2013 registered under Section 302, 201/34 of the Indian Penal Code.

This is the 8th attempt of petitioner for grant of bail. Vide order dated 28.09.2016 passed in Cr. Misc. No. 43416 of 2016 the trial court was directed to conclude the trial, holding the same on day to day basis, within six months from the date of receipt of a copy of that order. When the trial is not concluded within six months the petitioner again moved for grant of bail by filing Cr. Misc. No. 28291 of 2017 but vide order dated 09.08.2017, on the basis of report of learned Additional Sessions Judge-IX, Gaya, Sri Suresh Pd. Mishra, that the trial shall be concluded within two months as only two witnesses remained to be examined, the prayer of petitioner for bail was rejected. The trial did not conclude and the petitioner filed this petition for grant of bail.



A report was called for from the court of Additional Sessions Judge-IX, Gaya. From the report it appears that in spite of exhibiting the FSL report, the court allowed a petition of prosecution filed under Section 293 of the Cr. P. C. The court again allowed a petition filed under Section 311 of Cr. P. C. on behalf of prosecution on 13.11.2017. The learned APP filed a petition under Section 311 Cr. P. C. on 14.11.2017 but the same was rejected on 18.12.2017. It appears from perusal of the report that learned Additional Sessions Judge-IX does not intend to conclude the trial on one pretext or the other, in spite of order of this court.

Considering the facts aforesaid and the fact that the petitioner is in custody since 13.11.2014, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Gaya in connection with Sessions Trial No. 238 of 2016, arising out of Atri P.S. case No. 197 of 2013, subject to condition that petitioner shall appear on each and every date in the trial court failing which the trial court shall cancel his bail bonds.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

