

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27760 of 2018

Arising Out of PS. Case No.-463 Year-2015 Thana- GAYA MUFFSIL District- Gaya

Ashok Paswan, Son of Sri Sita Ram Paswan, Resident of Village Bhadeja,
P.S. Gaya (Muffasil), District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh
For the Opposite Party/s : Mr. Sri Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 18-07-2018 Heard learned counsel for the petitioner and the State.

Prayer for bail of the petitioner was earlier rejected by this Court vide order dated 06.04. 2017 passed in Cr. Misc. No. 4971 of 2017 with liberty to renew his prayer for bail in the court below itself after nine months if the trial is not concluded. The Trial Court was further directed to make all possible efforts for expeditious disposal of case by giving short adjournments and make all efforts to conclude the trial as early as possible, preferably, within a period of nine months.

A report along with Xerox copy of the entire order sheets was called for from the Court below which has been received. From the report, it appears that till date only two witnesses have been examined. From perusal of the order sheets of the Court below, it further appears that no any sincere effort has



been made by the Court below for expeditious disposal of the case. In fact, the case was adjourned in mechanical manner and no any serious steps was taken for production of witnesses either by the Court or by the prosecution.

This case has been registered under Sections 302 and 379/34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner is in custody since 20.12.2015. Therefore, for such laches on the part of the prosecution and the Court, the accused cannot be allowed to be continued in jail custody for long period.

Therefore, keeping in view the period spent by the petitioner in custody and also the fact that only two witnesses have been examined till date in the trial Court, prayer for bail of the petitioner is allowed.

Let the petitioner, named above, 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 A.D.J.II, Gaya, in connection with Sessions Trial No. 24/17/151/17 arising out of Gaya (Muffasil) P.S. case no. 463 of 2015, subject to the condition that both the bailors will be the close relatives of the petitioner.

The petitioner in any manner will not try to hamper the



trial by intimidating or influencing the witnesses and will remain present on each and every date of trial. Any two subsequent defaults will result in cancellation of bail bonds in the Court below.

(Sanjay Priya, J)

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