

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27307 of 2018

Arising Out of PS.Case No. -544 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Sujit Singh @ Sujit Kumar Singh, son of Naresh Singh, Resident of
Village- Chintamanpur, P.S.- Pipra, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Abhishek Kumar

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-06-2018 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in connection with
S.T. No. 277 of 2016 arising out of Town P.S. Case No. 544 of
2014 instituted for the offence under Sections 302, 120, 326,
307 of the Indian Penal Code and Section 27 of the Arms Act.

The regular bail of the petitioner was thrice rejected by
this Court vide order dated 30.01.2017 passed in Criminal
Miscellaneous No. 51537 of 2016, vide order dated 23.08.2017
passed in Criminal Miscellaneous No. 32704 of 2017 and lastly
vide order dated 06.12.2017 passed in Criminal Miscellaneous No.
55132 of 2017. In order dated 30.01.2017, petitioner was given
liberty to renew his prayer for bail after nine months if no
substantive progress is made in the trial.

Report regarding present stage of the case was called
for and has been received wherein, it is mentioned that the case is



pending for evidence of three witnesses including I.O. and the Doctor. Trial court has mentioned in the report that court below was directed to conclude the trial of the petitioner by March, 2018 in Cr. Misc. No. 55132 of 2017 and the prayer for bail of the petitioner was rejected with a liberty to renew his prayer for bail in the court below itself.

Learned counsel for the petitioner has submitted that petitioner is in custody since 12.03.2015. From the report, it appears that case is still at same stage as it was at the time of disposal of criminal Misc. No. 55132 of 2017. The trial court is not at all serious to conclude the trial.

Considering the fact that petitioner is in custody for more than three years and the case is still pending at same stage, the petitioner could not be allowed to remain in custody on account of negligence of the court concerned in not taking proper steps to conclude the trial. Therefore, the petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) in connection with S.T. No. 277 of 2016 arising out of Town P.S. Case No. 544 of 2014 to the satisfaction of learned 9th Additional Sessions Judge at Motihari East Champaran subject to the condition that both the bailors will be close relative to the petitioner. The petitioner will not tamper with the evidence and intimidate the witnesses to delay the trial. The absence of



petitioner on two subsequent dates without sufficient reason, will result in cancellation of bail bond of the petitioner.

Let this order be communicated to the court concerned to be vigilant in trial of cases in which accused persons are in custody and not to repeat such type of negligent act in future.

(Sanjay Priya, J)

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