

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 48044 of 2017

Arising Out of PS. Case No.-485 Year-2016 Thana- Saharsa District- Saharsa

Ajay Kumar Son of-Shobha Mandal Resident of Village-Gauavgarh P.S.-Sour
Bazar Dist.-Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3. 03-01-2018 Heard Sri Chandra Mohan Jha, learned counsel for the
petitioner and Sri Madan Kumar, learned Addl. Public
Prosecutor.

The sole petitioner, who is in judicial custody since
10-06-2016 in Saharsa Sadar P.S. Case No. 485 of 2016
registered for offence under Sections 395, 307, 324 of the Indian
Penal Code, has renewed his prayer for bail. Earlier, the prayer
for bail of this petitioner was rejected, vide order dated
08-12-2016 passed in Cr. Misc. No. 47603 of 2016. The said
petition was heard alongwith Cr. Misc. No. 42154 of 2016 and
after hearing the parties, the prayer for bail was rejected.

The prayer for bail has been renewed on two grounds.
Firstly, despite the fact that petitioner is in judicial custody since
10-06-2016, till date the case has not been committed to the
court of sessions and another ground has been taken that one
another accused, almost in similar circumstances, was granted



bail by the court below.

In this case, by order dated 01-11-2017, a report was called for from the court below, which has been received and kept at flag 'A'. The report dated 04-12-2017 sent by learned Judicial Magistrate 1st Class, Saharsa is in consonance with the submission of learned counsel for the petitioner that till date, case has not been committed to the court of sessions.

The Court is of the opinion that without trial, one may not be detained for an indefinite period. Considering the fact that despite the fact that petitioner was allegedly apprehended on the date of occurrence i.e. 09-06-2016 and is in judicial custody since 10-06-2016 and case has not even been committed to the court of sessions, there is no reason to further detain the petitioner.

Let the petitioner namely Ajay Kumar be enlarged 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 C.J.M., Saharsa in connection with Saharsa Sadar P.S. Case No. 485 of 2016.

(Rakesh Kumar, J.)

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