

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46304 of 2018

Arising Out of PS.Case No. -135 Year- 2015 Thana -SAKRA District- MUZAFFARPUR

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Pappu Paswan, S/o Chandradeo Paswan, resident of village - Sarmatpur,
P.S. Sakra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 26-09-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Sakra P.S. Case No.135 of 2015** instituted for the offence under Section(s) 366/34 Indian Penal Code.

Counsel for the petitioner submits that petitioner is in custody since 13.05.2016. He has clean antecedents.

Prayer of the petitioner for grant of bail was earlier rejected by co-ordinate Bench of this Court by order dated 09.05.2017 passed in Cr. Misc. No.21150 of 2017 with direction to the Trial Court to expedite the trial and conclude the same as early as possible.

A report was called for from the Court below, which has been received and kept at flag-‘A’. The Court below has



mentioned in the report that case is pending for evidence and not a single witness has been examined in the case till date of sending the report. The Court below has further submitted in the report that it will take nine months' time to conclude the trial if prosecution and defence produce the witnesses in time.

This Court finds that in spite of order of this Hon'ble Court even in the case(s) where the accused is in custody, the Trial Court is not serious to conclude the trial at the earliest. The Trial Court has not examined even single witness after framing of charge till date.

Therefore, for laches on the part of Trial Court, the petitioner cannot be allowed to rot in jail for indefinite period. The petitioner is in custody for more than two years since 13.05.2016.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the **Additional Sessions Judge, 10th, Muzaffarpur**, in connection with in **Sakra P.S. Case No.135 of 2015**, subject to the condition that both the bailors shall be close relative of the petitioner.



The petitioner will remain present on each and every date of trial. Absence of the petitioner on two consecutive date(s) without any reasonable cause will make bail bond liable to be cancelled. The petitioner will not delay the trial and will not intimidate the witnesses.

(Sanjay Priya, J)

**JA/-
Rohit Kr.**

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