

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60677 of 2018

Arising Out of PS.Case No. -56 Year- 2016 Thana -FATUA District- PATNA

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1. Sunil Rai, Son of Basudeo Rai, Resident of Village- Rustampur, P. S. Raghapur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K.Shahi.

For the Informant : Mr. Y.C.Verma

Mr. Ansul Kumar

For the State : Mr. Ahmad Ali APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 10-10-2018 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The appellant is in jail custody since 10.03.2016 and earlier his prayer for bail was twice rejected by this Court but while rejecting the bail prayer of this petitioner vide order dated 02.08.2017 passed in Cr. Misc. No. 16455 of 2017, this Court directed the trial court to expedite the trial of the petitioner.

However, the trial court vide his letter no. 132 dated 05.10.2018 has reported that due to non appearance of some co-accused, even charge could not be framed against the petitioner and other accused.



Learned counsel appearing for the petitioner submits that petitioner is physically handicapped and even unable to move without help of other person. He submits that according to the prosecution case, it was co-accused Munna Singh, who made indiscriminate firing causing firearm injury to the deceased and after that Rana Ranvijay Singh and Subodh Rai as well as this petitioner opened fire on the deceased.

He further submits that in course of investigation, the confessional statement of Munna Singh and Rana Ranvijay Singh was recorded but both the aforesaid co-accused did not name the petitioner in their confessional statement. Learned counsel further points out that co-accused Subodh Rai has already been granted bail by learned Additional Sessions Judge, Patna city, Patna and the order of learned Additional Sessions Judge has been confirmed by a Bench of this Court vide order dated 29.08.2018 passed in Cr. Misc. No. 15851 of 2018.

On the other hand, learned counsel appearing for the informant as well as learned counsel for the State opposed the prayer for bail submitting that no new ground is available to the petitioner to renew his prayer for bail and, moreover, there is allegation of firing against the petitioner.

Neither learned Additional Public Prosecutor for the



State nor learned counsel appearing for the informant could succeed to distinguish the case of the petitioner to the case of co-accused Subodh Rai. The co-accused have not named the petitioner in their respective confessional statements.

The report of learned Additional Sessions Judge -VII, Patna City, Patna reflects that there is no possibility of conclusion of trial of the petitioner in near future. Moreover, petitioner is a handicapped person and languishing in jail custody since long. No person can be detained in custody for indefinite period without any substantive progress in his trial.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, keeping in mind the stage of trial of the petitioner as well as this aspect of the matter that having more or less, similar allegation, co-accused Subodh Rai has already been granted privilege of bail, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge –VII, Patna City, Patna in connection with Sessions Trial no. 148 of 2017 arising out of Fatuha P.S.Case No. 56 of 2016, subject to the condition that he shall appear before the trial court in person on each and every date till framing of the charge and if, he fails to do so, on



three consecutive dates without any reason, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after proper inquiry as well as with reasoned order.

(Hemant Kumar Srivastava, J)

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