

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26684 of 2018

Arising Out of PS.Case No. -79 Year- 2006 Thana -PAROO District- MUZAFFARPUR

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1. Ganga Sahani, Son of Late Dayal Sahani, Resident of Village-Chakki
Sohagpur, P.S.-Paroo, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 04-07-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

It appears that vide letter no. 116 of 2018 dated
17.05.2018 the trial court has reported that total eight witnesses
have been examined but I.O and Doctor are yet to be examined.

Learned counsel appearing for the petitioner submits
that petitioner is languishing in jail custody since 09.03.2011 and
up till now his trial could not be concluded. He further submitted
that altogether 15 witnesses have been shown in charge sheet and
only 8 prosecution witnesses have been examined as yet.

Petitioner is said to have opened fire on the deceased
as a result whereof deceased died then and there and earlier while
rejecting the bail prayer of the petitioner vide order dated
10.01.2017 passed in Cr. Misc. No. 44948 of 2016, this Court had
directed the trial court to expedite the trial of the petitioner and try



to conclude the same as early as possible even by taking trial of the petitioner on day to day basis. It appears from the report of the learned trial court that direction of this Court had not been taken seriously by the concerned court and, that is the reason, no sincere efforts was made by the trial court for conclusion of session trial no. 929 of 2015.

No doubt petitioner is said to be main assailant but no person could be detained for long period in the name of his trial. Moreover, from the report of learned trial court, it is obvious that only official witnesses have been left to be examined.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 10th Additional Sessions Judge, Muzaffarpur in connection with Session trial no. 929 of 2009 arising out of Paroo P.S.Case No. 79 of 2006, subject to condition that one of the sureties must be a close relative of the petitioner who shall swear an affidavit to this effect that as to how he/she is related to the petitioner and furthermore, the aforesaid witness must be a land holder.

(Hemant Kumar Srivastava, J)

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