

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11370 of 2019

Arising Out of PS. Case No.-180 Year-2016 Thana- BHAGWANPUR District- Vaishali

RAJIV KUMAR THAKUR Son of Shri Ram Nandan Thakur, resident of
village-Daudnagar, P.S.-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 10-04-2019 Heard the learned counsel for the petitioner.

Earlier prayer for bail of the petitioner was twice
rejected by this Court vide orders dated 19.05.2017 passed in
Cr. Misc. No. 19903/2017 and 20.06.2018 passed in Cr. Misc.
No. 26955/2018.

The trial has yet not been concluded in spite of
specific direction given by this Court in both orders.

Report from the Court below regarding present stage
of trial has been received. From the report of the trial court it
appears that in this case charge has been framed on 15.03.2017.
Case is still pending for evidence.

The trial court has mentioned in the report that Dasti
Summon was issued to the Addl. P.P. for evidence of remaining
witnesses.



Trial court has made prayer for further two months time for disposal of trial.

The trial court had earlier mentioned in report that trial is likely to be concluded within three months. This Court had granted six months time to conclude the trial by order dated 20.06.2018. The trial has still not concluded till date.

It is alleged in the written report that 10kg Ganja was recovered from possession of petitioner.

Petitioner is in custody since 21.10.2016.

Keeping in view the period of custody already spent by the petitioner and the trial court has not taken serious steps to conclude the trial in spite of specific direction given by this Court twice, this Court is of the view that for the laches on the part of trial court in not concluding the trial, the petitioner could not be allowed to remain in custody for infinity.

Considering the aforesaid fact and circumstances, 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 learned 1st Addl. Sessions Judge, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 180/2016, subject to the conditions that:



(I) both the bailors shall be the close relative
of the petitioner.

(II) Petitioner shall be present on each and
every date fixed by the court and absence
on two consecutive dates without valid
reason will result in cancellation of bail
bond of the petitioner and

(III) if petitioner tamper with the evidence in
the case, prosecution will be at liberty
to move for cancellation of bail bond of
the petitioner.

Let the order be communicated to the officer
concerned and the same will also be kept in his ACR.

(Sanjay Priya, J)

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