

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20221 of 2019

Arising Out of PS. Case No.-268 Year-2016 Thana- PHULWARISHARIF District- Patna

ASHISH KUMAR (M) aged about 28 years Son of Mukesh Singh @ Suresh Singh Resident of Village - Nawada, P.S.- Phulwari Sharif, District - Patna.
... .. Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari 1
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

3 17-04-2019 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

Earlier the prayer for bail of the petitioner was rejected several times by this Court and once by Hon'ble Apex Court *vide* order dated 8.9.2017 passed in Diary No(s). 22849/ 2017 but the Hon'ble Apex Court while dismissing the Special Leave Petition of the petitioner granted liberty to him to move before this Court after six months.

It is pertinent to note here that this court while rejecting the bail prayer of the petitioner *vide* order dated 27.06.2018 passed in Cr. Misc. No. 28497 of 2018 directed the trial court to conclude the trial of the petitioner within six



months from the date of receipt/production of a copy of that order and, furthermore, liberty was granted to petitioner to renew his prayer for bail if his trial is not concluded within the above stated period.

The learned trial court *vide* letter No. 76/2019 dated 9.4.2019 reported that the charge against the petitioner could be framed on 9.2.2018 and up till now only one witness out of eleven witnesses could be examined thoughailable warrants have already been issued against the prosecution witnesses. Furthermore, the trial court has reported that the case of the petitioner is running on day to day basis and learned trial court has sought further six months time for concluding the trial.

Learned counsel appearing for the petitioner submits that the petitioner is physically handicapped person and is languishing in jail custody since 12.5.2016 and there is no likelihood of conclusion of the trial of the petitioner in near future.

No doubt, the trial court has sought six months time for conclusion of trial of the petitioner but, admittedly, near about ten prosecution witnesses have been left to be examined and it appears to that there is no possibility of conclusion of trial of the petitioner in near future even trial court has taken the



trial of the petitioner on day to day basis.

In the aforesaid circumstance, I think it proper to release the petitioner on bail and accordingly taking into consideration the present stage of the trial of the petitioner as well as his detention in jail custody, 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 learned Additional Sessions Judge – VI, Patna/concerned Court in connection with Phulwari Sharif P.S. Case No. 268/2016 (Sessions Trial No. 733 of 2016).

(Hemant Kumar Srivastava, J)

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