

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.23476 of 2019

Arising Out of PS. Case No.-829 Year-2004 Thana- PHULWARISHARIF District- Patna

Tunnu Kumar @ Tunu Kumar Ram @ Tunu Ram @ Tunu Kumar @ Tunna Ram @ Tunnu Ram, Son of Dina Nath Ram @ Jhameli Ram Resident of Village- Biranchak, P.S.- Janipur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 11-09-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No. 203 of 2015, arising out of Phulwari (Janipur) P.S. Case No. 829 of 2004, registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner has been refused four times by this Court lastly on 11.07.2018 passed in Criminal Miscellaneous No. 17269 of 2018 with direction to the trial Court to conclude the trial of the petitioner within eight months by taking all effective steps. If the trial of the petitioner is not concluded within the aforesaid period of eight months, the petitioner would be at liberty to renew his prayer for bail.

Learned counsel for the petitioner submits that



more than one year has been elapsed, but the trial of the petitioner has not been concluded. The petitioner is in custody since 22.07.2012 and there is no chance to conclude the trial of the petitioner in near future.

A report, as called for, regarding the present stage of trial, has been received from the Court of Addl. Sessions Judge-II, Patna vide Letter no. 64, dated 20.06.2019, which disclosed that out of 13 chargesheet witnesses only five prosecution witnesses have been examined and summons have been issued against the remaining witnesses on 12.12.2018.

Having regard to the facts and the circumstances of the case and the period of custody and the observation made on 11.07.2018, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II, Patna in connection with S.T. No. 203 of 2015, arising out of Phulwari (Janipur) P.S. Case No. 829 of 2004.

(Rajendra Kumar Mishra, J)

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