

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22795 of 2019**

Arising Out of PS. Case No.-407 Year-2017 Thana- JAHANABAD District- Jehanabad

Suraj Kumar son of Raja Ram, Resident of Village - Babhana, P.S.-  
Jehanabad, Distt.- Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Sunil Srivastava, Adv.  
For the Opposite Party : Mr.Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

3      22-05-2019                      The report, as called for by this Court vide order dated 11.04.2019, has been received. The learned Additional Sessions Judge-VII, Jehanabad has submitted in his report dated 23.04.2019 that out of ten charge-sheet witnesses only one has been examined and for ensuring attendance of other witnesses though non-bailable warrant of arrest against the informant has been issued on 19.03.2019 and bailable warrant of arrest has been issued against other witnesses, no one has turned up to depose before the court.

Learned counsel appearing for the petitioner submitted that the sole witness was examined on 16.08.2018 on behalf of the prosecution in course of trial and he too has been declared hostile at the request of the prosecution. He has contended that the petitioner is in custody since 27.06.2017 and



there is no likelihood of conclusion of the trial in near future.

Per contra, learned counsel appearing for the State submitted that the prayer for bail of the petitioner was earlier rejected by this Court vide order dated 02.08.2018 passed in Cr. Misc. No.27970 of 2018 on merit and there is no fresh ground for re-consideration of his bail.

Having heard the parties, I am of the opinion that an under trial prisoner cannot be kept in custody for an indefinite period specially when prosecution fails to examine its witnesses inspite of summons and warrant being issued by the court. Since other co-accused have already been granted bail by this Court and the petitioner has remained in custody for about two years and there is no likelihood of completion of trial in near future, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Jehanabad in connection with Jehanabad P.S. Case No.407 of 2017/S.Tr. No.401 of 2017 subject to the following conditions:-

- (a) that the petitioners shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioners shall not commit an offence similar to the offence of the present case, and



(c) that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

**(Ashwani Kumar Singh, J)**

Md. S/-

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