

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34928 of 2021**

Arising Out of PS. Case No.-139 Year-2019 Thana- MAHISHI District- Saharsa

Rohit Kumar @ Rohit Jha S/O Surendra Kumar Jha R/o village and P.O.-
Muradpur, P.S.- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Mukeshwar Dayal

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

3. 01-09-2021 Heard learned counsel for the parties through video conferencing.

Earlier, the bail petitioner of petitioner was rejected, vide order dated 09.07.2020 passed in Cr.Misc. No. 18816 of 2020 with direction to the trial court to conclude the trial within nine months from the date of order.

On last occasion, vide order dated 14.07.2021, a report was called for from the court below regarding stage of the trial, which has been received and kept at flag 'B'. From perusal of the same, it appears that the case is pending at the stage of prosecution evidence and uptillnow, only four prosecution witnesses have been examined.

It is submitted on behalf of the petitioner that petitioner is in custody since 03.09.2019 and trial is not



progressing smoothly.

Learned A.P.P. for the State has opposed the bail petition.

Considering the inadequate progress of trial and period of custody of petitioner, the bail petition of petitioner is allowed. Let the above named petitioner 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 Special Judge, Excise Act, Saharsa in connection with Special (Excise) Case No. 417 of 2019, arising out of Mahishi P.S. Case No. 139 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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