

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31445 of 2020**

Arising Out of PS. Case No.-14 Year-2012 Thana- HATHAURI District- Muzaffarpur

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HARENDRA RAI Son of Mahesh Rai Resident of Village- Paramjeevar, P.S.-
Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate.

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-02-2021 Heard the parties.

The petitioner is languishing in custody for the offence punishable under Sections 147/148/149/302/120B/380 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner is one of the assailants of the deceased. He is in custody since 10.01.2019. In the past, prayer for bail was refused on 27.09.2019 with direction to the learned trial court to expedite the trial and conclude the same preferably within nine months.

The report of the trial Judge dated 19.12.2020 would reveal that even charges have not been framed in this case.

At the time of rejection of prayer on earlier occasion vide order at Annexure-1, learned counsel for the petitioner had drawn attention of the Court towards grant of bail to co-accused



Baleshwar Rai and Akhilesh Rai who were also allegedly assailants of the deceased.

Learned counsel for the informant submits that the trial against Baleshwar and Akhilesh is at the argument stage, but the accused persons are not allowing the case to be disposed of and for that the informant had to file a writ application in this Court for direction to the learned trial Judge to dispose of the trial at the earliest and necessary direction has been issued by this Court.

The petitioner is in custody since 10.01.2019 and there is no reason that in the trial of the sole petitioner no charge could be framed for a year even prior to Pandemic. Hence there is no reason to detain the petitioner as under trial prisoner.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Hathauri P.S. Case No. 14 of 2012, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial



of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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