

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57709 of 2021

Arising Out of PS. Case No.-205 Year-2015 Thana- FATUA District- Patna

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Guddu Kumar Son of Late Narayan Sharma Resident of Bakipur Gorakh,
Ayodhya Sao Ke Makan Me Kirayadar, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar Tiwary

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 17-11-2021 Heard learned counsel for the parties.

Earlier, the bail petitioner of petitioner was rejected,
vide order dated 16.10.2019 passed in Cr.Misc. No. 34151 of
2019 with following observation:

“As the petitioner is in custody since
14.7.2017, trial court is directed to ensure
appearance of the witnesses by taking resort of
process of law and to conclude the trial as early
as possible, preferably within a year from today,
failing which the petitioner will have the liberty
to renew the prayer for bail.”

On last occasion, vide order dated 06.10.2021, a
report was called for from the court below regarding stage of the
trial, which has been received and kept at flag ‘R’. From perusal
of the same, it appears that even after issuance of summons,
bailable, non-bailable warrant of arrest, none of the
chargesheeted witness has turned up for his / her deposition and
still the case is running for evidence of prosecution witness.



Counsel for the petitioner submits that in this case, charge has been framed on 21.02.2018, but even after lapse of more than three years, not a single witness has been examined, despite issuance of summons, bailable and non-bailable warrant of arrest and petitioner is in custody since 14.07.2017.

Considering the slow progress of the trial and period of custody, 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 Additional District and Sessions Judge VII, Patna / concerned court in connection with POCSO Special Case No. 75 of 2015, arising out of Fatuha P.S. Case No. 205 of 2015.

(Prabhat Kumar Singh, J.)

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