

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63528 of 2021

Arising Out of PS. Case No.-222 Year-2013 Thana- JAYNAGAR District- Madhubani

Gulam Rasul Sah ,Son of Md. Razzaque @ Dhorai Sah, Resident of Village-
Barhi, P.S.- Jay Nagar, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 18-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 132 of 2014, arising out of
Jay Nagar P.S. Case No. 222 of 2013 registered for the alleged
offences under Sections 363, 364, 504 and 34 of the Indian
Penal Code.

As per prosecution case, the petitioner kidnapped the
minor daughter of the informant and subsequently her dead
body was found.

The learned counsel for the petitioner submits that
the petitioner has moved earlier before this Court for grant of
bail twice and on both the occasions, his prayer for grant of bail



was rejected. The learned counsel further submits that the petitioner is in custody since 28.11.2013. The learned counsel further submits that after passage of so many years, still trial has not been concluded and out of total 18 prosecution witnesses, only 15 have been examined and the doctor was not examined in this case for which the petitioner has filed an application for examination of the doctor. Learned counsel further submits that there appears no possibility of conclusion of the trial in near future and considering the period of the custody of the petitioner, who has otherwise got no criminal antecedent, he may be enlarged on bail.

Learned counsel opposes the prayer for bail submitting that the prayer for bail of the petitioner was rejected twice earlier by a Coordinate Bench of this Court and except for the period of custody, there is no fresh ground.

Perused the records.

From the perusal of the record, it transpires that in the report dated 21.06.2022, the learned trial court submitted that the case was likely to be disposed of within 3-4 months. However, again a report was called for and vide the report dated 11.10.2022, the learned trial court has further sought time to conclude the trial. It appears the conclusion of trial may take some more time. Hence, considering the period of custody of the petitioner I am persuaded to enlarge him on bail hence, the



prayer for bail is allowed.

Accordingly, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Madhubani in connection with Sessions Trial No. 132 of 2014, arising out of Jay Nagar P.S. Case No. 222 of 213, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

Learned trial court is directed to expedite the trial and conclude the same within two months.

(Arun Kumar Jha, J)

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