

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22720 of 2023

Arising Out of PS. Case No.-230 Year-2017 Thana- RAJIVNAGAR District- Patna

GAUTAM KUMAR JHA S/O- SANJAY JHA Mohalla- Akbar Nagar Ps-
Akbar Nagar Dist- Bhagalpur A/p- Village- Gosaitola front of Petrol Pump
Ps- Patliputra Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2023 Heard the parties.

The petitioner seeks bail in a case registered for the offence punishable under Section 395 of the IPC.

Learned counsel for the petitioner submits that earlier vide order dated 07.09.2021 in Cr. Misc. No. 9209 of 2021, the prayer for bail application of the petitioner was rejected by this Court with an observation that the petitioner would be at liberty to renew his prayer for bail, if the trial is not concluded within one year from the date of receipt/production of a copy of the said order.

While passing the said order, the learned Court below was directed to conclude the trial within one year but the trial has not yet been concluded. The petitioner is in judicial custody since 18.10.2017 i.e. for more than 5 years.

Vide order dated 12.04.2023, a report was called for,



regarding the stage of trial and the time likely to be taken in conclusion of the trial. In compliance thereof, a report sent by learned Additional District & Sessions Judge- XI, Patna dated 27 . 04.2023 is kept at Flag 'R', whereby inter alia it is submitted that nine months is likely to be required for concluding the trial of this case.

Considering the period of custody of the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Rajiv Nagar P.S. Case No. 230 of 2017, subject to the following conditions:

(1) One of the bailors will be own close relatives of the petitioner who will give an affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the



court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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