

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36183 of 2023

Arising Out of PS. Case No.-363 Year-2004 Thana- DANAPUR District- Patna

Sonu Kumar @ Rakesh Roushan Son of Ram Nath Rai Resident of New
Panchwati Nagar Bhatta Road, PS- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2023

Heard the parties.

The petitioner is in custody in connection with
Danapur P.S. Case No. 363 of 2004 for the offence under
Section 397 of the Indian Penal Code lodged on 26.07.2014 by
the informant, Subodh Kumar.

As per the prosecution story, the accused persons
entered the shop and after assaulting the father of the informant
took away the sale proceed and while retreating, they also
exploded bombs. Accordingly, the F.I.R.

The content of the petition is very disturbing
inasmuch as paragraph 8 explains that the petitioner has
remained in custody for nine years, being in jail since
28.08.2014.

Learned counsel for the petitioner submits that neither



any T.I. parade was conducted during his period of custody nor the trial was concluded and due to his economical condition, he was unable to even knock the doors of the Patna High Court.

It is high time the Legal Services Committee take cognizance of such matters and see to it that such unfortunate helpless accuseds across the State do not suffer.

Learned APP opposes the prayer for bail but also shares the anguish of the Court.

Solely, on the ground of his period of custody, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.D.J.-VII, Danapur, in connection with Danapur P.S. Case No. 363 of 2004 corroborating to Session Trial No. 412 of 2019 subject to the following conditions:

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

The Trial Court is directed to submit a report on two points:

(i) delay in the conclusion of trial;

(ii) whether attention of the District Legal Services Authority was drawn towards the period of custody of the petitioner and the need for extending him legal assistance.

The bail application stands disposed of.

Let a copy of the order be sent to the Patna High Court Legal Services Committee as also the Bihar State Legal Services Authority for their perusal and needful action so that the message is sent to all the districts across the State of the need to check such helpless person suffering in jail

(Rajiv Roy, J)

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