

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51450 of 2022

Arising Out of PS. Case No.-114 Year-2019 Thana- SHERGHATI District- Gaya

Khuti Mallah @ Chandradeo Chaudhary Son Of Narayan Mallah R/O
Village- Mahuadih, P.S.- Sherghati, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party	:	Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-07-2023 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. The petitioner in the present case has renewed his prayer for regular bail in connection with Sherghati P.S. Case No. 114 of 2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code. He is in custody since 05.04.2019 and has no criminal antecedent.

3. Earlier, this Court had rejected the prayer for bail of the petitioner vide order dated 20.02.2020 in Cr. Misc. No. 58617 of 2019 and vide order dated 15.07.2021 in Cr. Misc. No. 324 of 2021.

4. While lastly rejecting the prayer for regular bail of the petitioner, this Court had gone through the learned trial court's report showing that the charges have been framed



against the sole accused-petitioner and summons have been issued to the chargesheet witnesses. This Court directed the learned trial court to expedite the trial and to make all endeavours to conclude the trial within a period of six months because the petitioner is in custody since 05.04.2019. He is also said to be a man of clean antecedent.

5. At this stage, a report has been received from the learned trial court from which it appears that no progress has been made in trial and only one witness has been examined so far, once again the witnesses have been summoned. The learned Additional District and Sessions Judge, Sherghati, Gaya has reported that the previous court has not concluded the trial on time.

6. Learned APP for the State is present but is unable to say as to why despite directions and opportunity granted by this Court, the trial could not be concluded. The petitioner has already spent more than 4 years 3 months by this time.

7. Having regard to the above-mentioned facts and considering the fact that the petitioner has already spent more than 4 years 3 months in judicial custody and the trial is not likely to be concluded in near future as the report of the learned trial court is also not showing any time frame within which it may be concluded, the appearance of the petitioner may be



secured and he is said to be a man of clean antecedent, hence, this Court directs release of the petitioner above named 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 learned Additional Sessions Judge 1st, Gaya in connection with Sherghati P.S. Case No. 114 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

8. And further condition that the petitioner shall be present on the dates fixed in the trial court. Two regular defaults in putting appearance shall result in action towards cancellation of bail bond of the petitioner.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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