

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71794 of 2022

Arising Out of PS. Case No.-749 Year-2019 Thana- AHYAPUR District- Muzaffarpur

Nitesh Kumar @ Mita, Son of Hari Paswan Resident of village - Chhiterpatti,
P.S.- Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahesh Prasad, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 13-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of Ahiyapur P.S. Case No. 749 of 2019, disclosing offence punishable under Section 394 of the Indian Penal Code.

The petitioner is in custody since 30.06.2019. His prayer for bail was earlier rejected by this Court by an order dated 19.06.2020 passed in Cr. Misc. No. 1940 of 2020. Subsequently, on 01.09.2021, again his prayer for bail was rejected with a liberty to the petitioner to renew his prayer for bail after six months, if there was no substantial progress at the trial.

By an order dated 15.09.2023, a report was called for



from the court below as regards the status of the trial. A report has been submitted accordingly by the learned Additional District and Sessions Judge-VIII, Muzaffarpur from which it transpires that not a single witness has been examined and the case was fixed for framing of charge on 04.10.2023.

It appears that even charge has not been framed. In such circumstance, on the sole ground that the petitioner has remained in custody for more than four years and there is no progress at the trial, this application is allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in Ahiyapur P.S. Case No. 749 of 2019.

(Chakradhari Sharan Singh, J)

Rajesh/-

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