

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43629 of 2023

Arising Out of PS. Case No.-51 Year-2019 Thana- KHODAWANDPUR District- Begusarai

SHIV KUMAR S/O RAM CHARITRA MAHTON @ CHLITR MAHTO
R/O Village- Khodwandpur, P.S- Khodwandpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 12-01-2024 Heard learned counsel appearing on behalf of the parties.

2. It is pointed out by learned counsel for the petitioner that while rejecting the prayer of bail earlier through Cr. Misc. 37522 of 2022 dated 22.11.2022, it was directed to learned trial court to conclude the trial within six months, despite of that matter is still pending for examination of prosecution witnesses, where petitioner is in custody for more than four and half years. It is further submitted that petitioner cannot be kept behind bar for indefinite period of time in want of trial, by defying his constitutional right as available under Article 21 of the Constitution of India.

3. Considering the custody period, as petitioner is in



custody for more than four and half years, where trial is still at the stage of prosecution evidence, accordingly, petitioner above named, is directed to be released on bail in connection with S.T. No. 410/2019 arising out of Khodawandpur P.S. Case No. 51 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That petitioner shall not interact with informant during the trial in any manner or to influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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