

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51090 of 2024

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAWADA District- Bhojpur

Jitendra Mahto @ Munda Son of Late Ram Niwas Mahto Resident of village
- Jamira, P.S.- Ara Muffasil, Distt.- Bhojpur, Pin 802161.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kumari Rashmi, Adv. Mr. Arbind Kr. Srivastava, Adv.
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with Ara Nawada P.S. Case No. 459 of 2021 registered for the offence under Sections 302, 307, 34 of the I.P.C. and Section 27 of Arms Act.

3. It is submitted by learned counsel for the petitioner that while rejecting the prayer of bail of petitioner on earlier occasion through Cr. Misc. No. 34386 of 2023 dated 17.07.2023, a direction was given to Id. trial court as to conclude the trial preferably within nine months from the date of receipt of said order but same was not complied with. It is submitted that



petitioner is in custody since 03.01.2023 and in this case not even a single prosecution witness was examined till date, and as such petitioner cannot be kept behind bar for indefinite period of time in want of trial which is also amounting to violation of his fundamental right as available under Article 21 of the Constitution of India.

4. In support of his submission learned counsel also relied upon legal report of Hon'ble Supreme Court as available through ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and Anr.*** reported in ***2024 SCC OnLine SC 1693.***

5. Learned APP while opposing the prayer of bail could not dispute the custody period and progress of trial as submitted.

6. A report was also called for from Id. trial court regarding progress of trial which was made available to this Court through letter no. 36/2024 as issued from the office of learned Addl. District & Sessions Judge 7th Bhojpur at Ara, dated 13.09.2024,



where it appears that charge in this case was framed on 23.08.2024 only and till date no witness was examined.

7. Considering aforesaid fact, as till now not even a single prosecution witness was examined in this case where petitioner is in custody since 03.01.2023, accordingly petitioner above named, is directed to be released on bail in connection with Ara Nawada P.S. Case No. 459 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ 17th Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS, subject to further condition:-

"That 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.”*

(Chandra Shekhar Jha, J)

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