

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53127 of 2023

Arising Out of PS. Case No.-80 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Rajnath Prajapati Son of Babulal Prajapti @ Pandit Baboola Jangli Resident
of Village- Parsauni, Ps- Vijaypur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhangi Pandey, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 05-01-2024 Heard learned counsel appearing for the petitioner
and learned APP appearing for the State.

2. It is submitted by learned counsel that petitioner is in custody since 26.08.2021, where his earlier prayer of bail was rejected through Cr. Misc. No. 7550 of 2022 dated 17.10.2022, wherein learned trial court was specifically directed to conclude the trial within nine months from the date of receipt of said order. It is further submitted that thereafter, several opportunities were given to prosecution as to procure the remaining witnesses but despite that only three witnesses were examined in this case, where certainly petitioner cannot be kept behind bar for indefinite period of time in want of trial.

3. In view of aforesaid submissions and by taking note of custody period as petitioner remains in custody for about two



and half years, where trial was not concluded within specified period of time even after specific direction of this court, accordingly, petitioner, above named is directed to be released on bail in connection with Vijaypur P.S. Case No. 80 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 Additional District and Sessions Judge-XII, Gopalganj/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 involve in the similar nature of offence till the conclusion of trial, 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) That 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 if the petitioner tampers



with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

