

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64794 of 2024

Arising Out of PS. Case No.-158 Year-2022 Thana- ARA NAGAR District- Bhojpur

Bira Kumar @ Bira Kumar Ram @ Bira Ram Son of Sudama Ram Resident
of Village - Ambedkar Colony, P.S. - Ara Town, District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-09-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of the

State.

2. Learned counsel appearing for the petitioner submitted that despite specific direction to conclude the trial as soon as possible vide order dated 07.11.2023 as passed in Cr. Misc. No. 52792 of 2023, where prayer of bail of petitioner was rejected by one of the learned Co-ordinate Bench of this court, till now even charge could not be framed in this matter and this case was committed to Sessions Division on 01.09.2024 only in view of Section 209 of the Cr.P.C.



3. It is submitted that petitioner is in custody since 03.03.2022 i.e., more than two and half years and in want of trial petitioner cannot be kept behind bars for indefinite period of time. It is submitted that speedy justice is the fundamental right of petitioner and such delay of trial is only amounting to the violation of fundamental right of petitioner as available under Article 21 of the Constitution of India. In support of his submissions learned counsel relied upon the legal report of Hon'ble Supreme Court as held in the matter of **Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Another**, reported in **2024 SCC OnLine SC 1693**.

4. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not dispute the custody period and also progress of trial as submitted.

5. In view of the facts and circumstances as mentioned above as petitioner remains in custody since 03.03.2022 i.e., more than two and half years, where trial of this case is not likely to conclude in the near future, accordingly petitioner, above named, is directed to be released on bail in connection with Ara Nagar P.S. Case No.



158 of 2022 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 VIII, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS with further conditions :-

(i) 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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