
(2011) 04 JH CK 0133
In the Jharkhand High Court
Case No : B.A. No. 2390 of 2011

Sudhir Sahi @ Sudhir Sahy

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 15-04-2011

Acts Referred:

Arms Act, 1959 — Section 27
Penal Code, 1860 (IPC) — Section 307

Citation : (2011) 04 JH CK 0133

Hon'ble Judges : Prashant Kumar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prashant Kumar, J.—Bail application filed by Petitioner Sudhir Sahi @ Sudhir Sahy is moved by Sri. Gaurav Priyadarshi and opposed by Sri. A.K. Prasad , learned Additional P.P. and Sri M.B. Lal, learned Counsel for the informant.

2. It appears that earlier on two occasions, bail prayer of Petitioner rejected. On the last occasion i.e. on 16.12.2010, on the submission of learned Counsel for informant that the case will be disposed of very soon, the court below was directed to dispose of the case within three months as the Petitioner was in custody from 17.12.2009.

3. It is needless to say that in the instant case, charge framed u/s 307 of the I.P.C. and 27 of the Arms Act.

4. It is submitted by Sri M.B. Lal, learned Counsel for the informant that up till now altogether 15 witnesses already examined by the prosecution but still some witnesses remained to be examined but in the mean time, the court became vacant, thus no further witnesses examined. He submits that there is delay in disposal of the case because one of the co-accused became absconder and the case was running for appearance. However, it appears that on several dates no witnesses produced by prosecution and most of the time prosecution seek

adjournment for producing evidence. Thus, I find that the laches are on the part of prosecution in producing witnesses, though there is a direction of this Court that the trial be held on day to day basis.

5. Considering the aforesaid facts and circumstance and taking into account that the Petitioner is in custody from the year -2 2009, I allow this application and direct the court below to enlarge the Petitioner, above named, on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of A.J.C., F.T.C.-X, Ranchi in connection with Chanhoo P.S. Case No. 94 of 2009 (G.R. No. 4989 of 2009, S.T. No. 199 of 2010).