

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6155 of 2015

Arising Out of PS.Case No. -109 Year- 2002 Thana -GARDANIBAGH District- PATNA

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Happu Mian @ Happu Ansari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in jail since 26.10.2010 in a case registered for the offences punishable under Sections 302, 307, 324 and 449/34 of the Indian Penal Code.

It is alleged that on 13.02.2002, the miscreants entered into the house of the informant, assaulted the father of the informant and when the mother of the informant went to rescue, she was also assaulted. Subsequently the father of the informant succumbed to the injuries when Sections 396 and 120B of the IPC were also added.

The petitioner surrendered on 26.10.2010. A report was called for from learned CJM, Patna vide order dated 16.02.2015 as under what circumstances the case was not committed to the court of sessions. The report of learned CJM

dated 29.04.2015 at Flag-‘X’ does not reflect the reason for non-committal of the case to the court of sessions. Now the case has been committed to the court of sessions on 20.04.2015.

It is submitted by learned counsel for the petitioner that co-accused have been acquitted vide S. Tr. No. 53 of 2006 by a judgment dated 30.08.2008 passed by learned 1st Addl. Sessions Judge, Patna. The said judgment has been brought on record as Annexure-2.

Considering the period under custody, co-accused being acquitted and there is no likelihood of trial being concluded in near future, let the above named petitioner be released on bail, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Patna in connection with Gardani Bagh P.S. Case No. 109 of 2002.

Learned trial court will positively cancel the bail bonds of the petitioner if he defaults for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

Amrendra/-

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