

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20834 of 2015

Arising Out of PS.Case No. -234 Year- 2013 Thana -ATRI District- GAYA

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Binay Kumar @ Binay Kumar Singh, son of Sri Suresh Singh @ Suresh Prasad Singh, resident of village Kajur, Police Station Atari, in the district of Gaya.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Prabhu Narayan Sharma, Advocate.

For the Opposite Party : Mr. Ajay Kumar Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 06-05-2015 Heard the learned counsel for the petitioner, the learned A.P.P. as also the learned counsel for the Informant.

The petitioner wants to renew his prayer for bail which has already been rejected by order dated 14.07.2014 in Cr. Misc. No. 17035 of 2014 on the ground that the petitioner is suffering in custody since 22.11.2013 and there is no likelihood of conclusion of trial in near future. There is no chance of tampering with the prosecution evidence and similarly situated co-accused Gopal Kumar has been allowed bail by another Bench of this Court by order dated 21.01.2015 in Cr. Misc. No. 42888 of 2014 and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel

for the informant opposes prayer for bail by submitting that the petitioner has got criminal antecedent but he is suppressing that fact and the petitioner is causing threats from the jail also and after release there is chance of tampering with the prosecution evidence.

Considering that Gopal Kumar similarly situated co-accused has been allowed bail and as such the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Anand Kumar Singh, J.M. 1st Class, Gaya in Atari P.S. Case No. 234 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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