

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25011 of 2015

Arising out of PS.Case No. -98 Year- 2012 Thana -PARWATTA District- KHAGARIA

Guddu Singh, Son of Raj Kishore Singh, resident of Village - Srirampur Thuthi, Police Station - Parbatta, District - Khagaria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Viveka Nandsingh, Advocate.

For the Opposite Party : Mr. C. Jawahar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2015 The petitioner is languishing in custody since 20.12.2013 in connection with Parbatta P.S. Case No. 98 of 2012 for the offences instituted under Sections 302/34 of the I.P.C. and 27 of the Arms Act.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that in the night of 9.6.2012 the informant along with her son Amit @ Mutul Kumar (deceased) slept in her shop. At about 12.30 A.M. the informant heard some hot conversation upon which she woke up and she saw that her co-villagers Raj Kishore Singh along with his sons Guddu Singh and Dhruv Singh standing in front of her shop. They were saying her son as to why he had demanded the money which was

due on them. They started taking away Rs.19000/- from the Lungi of the son of the informant. When he made protest the petitioner took away the said amount and opened fire on the temporal region of the son of the informant as well as co-accused Dhruv Singh also opened fire on his Panjara as a result of which he died. But the informant could not identify the miscreants.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.12.2013 and the charge sheet has been submitted in the present case. It has further been submitted that during the trial, the informant was examined as P.W. 1 and he has been declared hostile as he did not support the prosecution case.

On behalf of the State it has been submitted that the petitioner is one of the assailants of the deceased.

Considering the aforesaid facts and circumstances that the informant has been declared hostile in course of trial, let the petitioner above named, 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 the learned Additional District and Sessions Judge 2nd, Khagaria, in connection with S.T. No. 23 of 2014, arising out of Parbatta P.S. Case No. 98 of 2012 with condition that the petitioner shall be present on each and every

date before the learned trial court. It is further directed that if the prosecution feels that the petitioner is tampering with the evidence during the trial they will be at liberty to move for cancellation of bail of the petitioner. The trial court shall take all necessary steps to expedite the trial as it appears that since 13.05.2014 no witness has been examined in the case.

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(Sudhir Singh, J)