

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44964 of 2013

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Sunil Yadav S/O Surya Narayan Yadav Resident Of Village- Fatehpur,
P.S.- Sonbarsa, District- Saharsa

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 02-09-2015

Petitioner has renewed his prayer for bail in a

case initially registered for the offences punishable under Sections

307, 506 of the Indian Penal Code and 27 of the Arms Act.

Subsequently, section 302 IPC was also added.

The fard-beyan is the statement of the victim

is that the petitioner caused firearm injury to the informant Raj

Kumar Mukhiya, who subsequently succumbed to the injuries.

It is submitted by learned counsel for the

petitioner that the petitioner is languishing in custody since

26.08.2011 and there was dispute with regard to cutting of the

branches of the tree alleged to have been fallen in the area of the





informant. It is further submitted that out of fourteen charge-sheeted witnesses nine have been examined and the last witness P.W. 9 Rekha Kumari has been examined on 30.01.2014 and still five witnesses are left to be examined. This fact gets reflected from the report of learned 1st Additional Sessions Judge, Saharsa dated 01.10.2014. It is further submitted that out of nine witnesses seven have gone hostile and there is no likelihood of trial being concluded and in the background of civil nature of dispute the accusation has been levelled.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Learned APP after going through the records does not controvert the contention of the learned counsel for the petitioner.

Considering the fact that petitioner is languishing in custody since more than four years and the trial is not likelihood to be concluded, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Saharsa in connection with Sessions Trail No. 276 of 2011 arising out of Sonbarsa Raj (Kash Nagar O.P.) P.S. Case No. 70 of 2011.

The learned trial court will be at liberty to
cancel the bail bonds of the petitioner, if he defaults for two
consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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