

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37084 of 2015

Arising Out of PS.Case No. -253 Year- 2010 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Uday Singh @ Uday Pratap Singh Son of Sri Sheo Pujan Singh Resident
of village- Bhaluahi P.S.- Nokha, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 14-09-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections
302/34 of the Indian Penal Code and section 27 of the
Arms Act.

Though the petitioner was named in the FIR, he
was not sent up for trial but subsequently on 5.8.2014 he
has been summoned in exercise of jurisdiction under
section 319 Cr.P.C.

The prosecution case is that the petitioner caught
hold of the informant's son when co accused Paramhans
Singh shot him dead in the background of pending title

suit.



It is submitted by the learned counsel for the petitioner that though the petitioner was named in the FIR but he was not sent up for trial. Earlier, twice the applications for summoning the petitioner in exercise of jurisdiction under section 319 Cr.P.C. were rejected vide orders dated 27.2.2012 and 2.5.2012 but on the same set of evidence the petitioner has been summoned vide order dated 5.8.2014. It is further submitted that the impugned order does not reflect that the evidence which persuaded the learned trial court to summon the petitioner in exercise of jurisdiction under section 319 Cr.P.C has been discussed.

Considering the fact that the petitioner was not sent up for trial, earlier applications under section 319 Cr.P.C. were rejected twice and the submission of learned counsel for the petitioner that the petitioner will appear regularly before the learned court below, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of

the like amount each to the satisfaction of learned CJM, Rohtas at Sasaram in connection with Nokha P.S. Case No.253 of 2010 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned trial court shall be at liberty to cancel the bail bonds of the petitioner in case the petitioner defaults without any reasonable cause on three consecutive occasions.

(Dinesh Kumar Singh, J)

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