

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37892 of 2015

Arising Out of PS.Case No. -127 Year- 2012 Thana -LADANIA District- MADHUBANI

1. Ramchandra Thakur S/o Late Namo Narayan Thakur Resident of village
- Nondarhi, P.S. Ladaniya, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

The prosecution case is that the husband of the informant was called by this petitioner, when other co-accused persons brutally assaulted him, who subsequently succumbed to the injury.

It is submitted by the learned counsel for the petitioner that on conclusion of investigation the petitioner



was not sent up for trial and Final Form was accepted. Subsequently, petitioner was summoned in exercise of jurisdiction under Section 319 Cr.P.C. on the basis of evidence of PWs. 1, 4, 6, 7, 9, 12 and 15. It is further submitted that the impugned order does not reflect any deliberation of the evidence which actually presented the learned trial court to summon the petitioner.

It is submitted by the learned counsel for the informant that it was this petitioner who called the victim from his house, when the other accused persons assaulted him.

Considering the fact that the petitioner has been summoned in exercise of jurisdiction under Section 319 Cr.P.C., the impugned order does not reflect any discretion of the evidence which persuaded the learned trial court to summon the petitioner and the undertaking on behalf of the petitioner that the petitioner will regularly appear during trial., let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Madhubani in connection with Ladaniya P.S. Case No. 127 of 2012, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

Considering the nature of allegation, the learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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