

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18654 of 2015

Arising Out of PS.Case No. -33 Year- 2006 Thana -MATIHANI District- BEGUSARAI

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Rajeev Kumar Singh @ Rajeev Kumar @ Rajiv Kumar. Son of Upendra Singh.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 23-06-2015 Heard learned counsels for the petitioner, informant and the State.

The petitioner is languishing in custody since 31.03.2015 in a case registered for the offences punishable under Sections 302/34 and 120B of the Indian Penal Code and 27(1) of the Arms Act.

The prosecution case is that the son of the informant namely Rakesh Kumar @ Fantus had gone to play cricket, in the meantime, co-accused Arvind Singh resorted to fire on the son of the informant. The son of the informant made an attempt to escape from the scene but the petitioner and Bamban Singh, Mukund Singh, Rajiv Singh, Budhan Singh @ Raj Kumar Singh chased and killed him by causing fire arm injury. On conclusion of investigation, the petitioner was though named in the FIR but was not sent up for trial. Subsequently, Final Form was



submitted but during trial, two applications for summoning the petitioner and others under Section 319 of the Cr. P.C. were preferred by the prosecution, which was rejected by the learned trial court below twice vide order dated 29.01.2010 and 03.08.2010. One of such orders dated 03.08.2010 was challenged by the informant in Criminal Miscellaneous No. 34996 of 2011 when this court directed the learned trial court to pass order afresh considering the evidence brought on record during the trial.

It is submitted by learned counsel for the petitioner that though the petitioner was named in the FIR but was not sent up for trial. However, he undertakes to appear before the learned court below on each and every date fixed and co-operate in the trial regularly.

Considering the fact that the petitioner was not sent up for trial, Final Form was submitted and the trial court twice rejected the application under section 319 of the Code of Criminal Procedure for summoning the petitioner, let the above named petitioner be released on bail, on furnishing bail bonds of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Begusarai in connection with Matihani P.S. Case No.33 of 2006.

Learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for two consecutive occasions or gets involved in some serious nature of offences.

Ashwini/-

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(Dinesh Kumar Singh, J)