

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20877 of 2015

Arising Out of PS.Case No. -155 Year- 2012 Thana -DAUDNAGAR District- AURANGABAD

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1. Avinash Singh @ Pankaj @ Avinash Kumar Singh. Son of Indradeo Yadav. Resident of village - Birai, P.S.- Daudnagar, District - Aurangabad [Bihar].

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 30-09-2015 Heard Mr. Gopal Shankar for the petitioner and Mr. Harendra Prasad APP for the State.

This is the third attempt of the petitioner to seek bail in a case registered under Sections 304(B) of the IPC.

The petitioner is the husband of the deceased. Cr. Misc. no. 17851 of 2013 was the first attempt of the petitioner when this Court considering the allegation rejected the prayer, however, observing that if the trial does not record substantial progress within nine months he shall have liberty to pray for bail in the Court below. On expiry of the period indicated in the said order petitioner moved the application for bail in the Court below which was rejected against which he filed Cr. Misc. no. 33755 of



2014. Considering the facts that the brother of the petitioner in the meanwhile filed an application for discharge which prevented the Court from proceeding further, this Court dismissed the bail application directing the trial Court to endeavour for conclusion of the prosecution evidence within seven months from the date of receipt/communication of the order, failing which the petitioner shall have liberty to renew his prayer for bail in this Court. That is how the present application has been filed.

A status report was called for from the trial court vide order dated 26.08.2015 which has been received and placed at Flag-‘A’. From perusal of the report, it appears that out of 21 charge sheet witnesses 15 witnesses have already been examined on behalf of the prosecution. It is further stated that the trial itself is likely to be disposed of very soon. Petitioner is in custody for more than three years.

Having regard to the facts and circumstances of the case, this Court, while declining the prayer for grant of bail, dispose of the application by the following order:-

Let the trial Court examine the remaining prosecution witnesses on or before 3rd of November, 2015, failing which the petitioner shall 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 Additional District Sessions Judge, Aurangabad (Bihar) in connection with Daudnagar P.S. case no. 155 of 2012, Trial No. 123/2013/35/2014 , subject to the following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) In the event of grant of bail the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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