

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9283 of 2015

Arising Out of PS.Case No. -80 Year- 2013 Thana -BARIYARPUR District- MUNGER

Ashok Kumar Sah son of Late Bengali Sah, resident of village- Baiarpur Bazar,
P.S.- Bariarpur, District- Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Pd. Singh, Sr. Advocate.
Mr. Pushpa Sinha, Advocate.

For the State : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-07-2016

Heard Mr. Rajendra Prasad Singh, learned senior
counsel assisted by Ms. Pushpa Sinha, learned counsel for the
petitioner and learned A.P.P. for the State.

The petitioner seeks bail in Bariarpur P.S. Case No. 80
of 2013 dated 05.08.2013 instituted under Sections 324/307/504/34
of the Indian Penal Code and 27 of the Arms Act.

This is the second attempt of the petitioner for bail as
earlier such prayer was rejected by order dated 30.06.2014 in Cr.
Misc. No. 9170 of 2014.

By order dated 08.04.2016, a report was called from
the Court below with regard to the status of the case, reasons for
delay and the likely time by which the trial can be concluded and the



learned A.P.P. was also directed to obtain the up-to-date legible photocopy of the original case diary. The same have since been received. Perusal of the report from the Sessions Judge, Munger dated 22.04.2016 discloses that there was no injury report available in the records of the case. It has further been stated that out of seven chargesheet witnesses only three have been examined.

Learned counsel for the petitioner submits that the incident occurred on the spur of the moment as the dispute is between the agnates relating to plucking of flower. It is further submitted that as per the investigation, pellet injury has been found in the abdomen of the injured and the petitioner having no criminal antecedent is in custody since 05.08.2013. It is submitted that the petitioner has been made accused in another off shoot of the same case being Bariarpur P.S. Case No. 81 of 2013, and besides that he is not accused in any other case. Learned counsel further submits that the report of the Sessions Judge, Munger clearly indicates that there is no injury report on record and still chargesheet has been submitted under Section 307 of the Indian Penal Code and 27 of the Arms Act, among other sections which is unsustainable.

Learned A.P.P. opposes the prayer for bail. However, he is not in a position to controvert the submissions made by learned counsel for the petitioner.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the 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 the learned Sessions Judge, Munger in Bariarpur P.S. Case No. 80 of 2013. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to do so shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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