

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8617 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -PAKARIBARAW District- NAWADA

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SAHIN @ MD SAHIN AKRAM

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Md.Nazir Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 13-07-2016

Heard.

Earlier, the prayer for bail of the petitioner was rejected by this Court vide order dated 02.11.2015 passed in Cr. Misc. No. 33746 of 2015 but the petitioner is in jail custody since 29.05.2015 and according to the report of trial court up till now, only six prosecution witnesses, out of 11 proposed prosecution witnesses, could be examined. The trial of the petitioner is still pending for recording the prosecution evidence.

It would appear from perusal of the first information report that petitioner assaulted the deceased with butt of gun and the post mortem report of the deceased goes to show that only one injury was found on the head of the deceased.

Submission on behalf of the petitioner is that the aforesaid fact goes to show that there was no intention of the

petitioner to kill the deceased and, therefore, at best the petitioner could be prosecuted under section 304 of the Indian Penal Code.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in connection with Pakribarawan (Dhamaul) P.S.Case No. 57 of 2015, subject to the condition that the petitioner shall attend the trial court in person for the period of six months or till conclusion of his trial, which ever is earlier, and if he fails to do so and shall make any attempt to terrorize the prosecution witnesses or to temper with the prosecution evidence, the concerned court shall be at liberty to cancel the bail bonds of the petitioner after due and proper inquiry.

(Hemant Kumar Srivastava, J)

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