

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8751 of 2016

Arising Out of PS.Case No. -101 Year- 2013 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

Vijay Bahadur Singh S/o Ram Awatar Singh Resident of Village -Nuaon,
P.s Durgawati District Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 14-09-2016

Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since 12.08.2013 in a case registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the informant saw 8 to 10 persons firing at the victim Fenku Sharma. The informant identified four of them including the petitioner.

It is submitted by learned counsel for the petitioner that the accusation of firing is against four persons when the post-mortem report reflects only three injuries.



The earlier prayer for bail of the petitioner was rejected vide order dated 06.02.2015 passed in Cr. Misc. No. 38996 of 2014 on the report of the learned trial court dated 21st January, 2015 that the trial is at the evidence stage. The application was rejected with liberty to the petitioner to renew prayer for bail if the trial is not concluded within a period of one year. The last report of the learned trial court dated 11.08.2016 reflects that out of eleven witnesses five have been examined. Out of 5 witnesses three have been declared hostile and two are seizure list witnesses. The informant, doctor, I.O. and one Mukesh Sharma are still left to be examined.

Considering the fact that the report of the learned trial court suggests that the trial is not likely to be concluded in near future coupled with the fact that statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent, moreover, the accusation is not being corroborated with the medical opinion and above all the liberty granted to the petitioner to renew prayer for bail if the trial is not concluded within a period of one year, let the above named 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 learned Additional Sessions Judge-1st,

Kaimur at Bhabua in connection with Sessions Trial No. 459 of 2013/12 of 2014 arising out of Durgawati P.S. Case No. 101 of 2013.

The learned trial court 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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