

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19772 of 2016

Arising Out of PS.Case No. -146 Year- 2006 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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Indradeo Singh, Son of Shree Kapildeo Singh, resident of village -
Prahladpur, P.S. Chainpur, District - Kaimur at Bhabhua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha No-1, Advocate

For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

6 08-09-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is named in the first information report
which was lodged in the year 2006 for the offences punishable
under Sections 307 and other minor Sections of the Indian Penal
Code as well as 27 of the Arms Act.

The accusation against the petitioner is that he opened
fire causing fire arm injury to the informant whereas rest accused,
too, made firing causing fire arm injury to several persons.

It would appear from perusal of the impugned order
that petitioner was arrested on 7.11.2006 and his prayer for bail
was rejected up to this Court and this Court, while rejecting the
prayer for bail of the petitioner vide order dated 12.2.2007 passed



in Cr. Misc. No.54782 of 2006, directed the trial court to commit the case and to conclude the trial within six months and furthermore, a liberty was given to the petitioner to renew his prayer for bail, if his trial is not concluded within the stated period of six months. However, the impugned order goes to show that the concerned court below gave the custody of petitioner to defence official as the petitioner was a defence personnel and thereafter, petitioner remained in custody of defence official from 14.3.2007 to 17.3.2016. Furthermore, petitioner was produced before the court of Judicial Magistrate 1st Class on 17.3.2016 by the order of the concerned department and since then he is languishing in jail custody.

Submission on behalf of the petitioner is that the other co-accused faced trial in Sessions Trial No.101 of 2007/25 of 2007 and vide judgment dated 12.8.2010, the other accused have already been acquitted of the charges.

The trial court has reported that the charge against the petitioner has already been framed and out of 19 charge sheeted witnesses, five prosecution witnesses have already been examined. Therefore, the report of trial court goes to show that there is no likelihood of conclusion of the trial of the petitioner in near future.

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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-5, Kaimur at Bhabua in Sessions Trial No.151 of 2016 arising out of Chainpur P.S. Case No.146 of 2006, subject to the condition that one of the sureties must be close relative of the petitioner and shall swear an affidavit to this effect as to how he is related with the petitioner.

(Hemant Kumar Srivastava, J)

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