

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21160 of 2016

Arising out of PS.Case No. -535 Year- 2014 Thana -MASAURHI District- PATNA

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Rahul Kumar, son of Baldeo Prasad, resident of Gulzarbagh Mehendiganj,
Braham Asthan, Math Par Patnacity, P.S. Mehendiganj, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajendra Kumar Sharma, Advocate.

For the Opposite Party : Mr. Dinesh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-06-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 27.12.2014
in connection with Sessions Trial No. 215 of 2016, arising out of
Masaurhi P.S. Case No. 535 of 2014 for the offences instituted
under Sections 395 and 412 of the IPC.

The prosecution case, in brief, is that the informant
named this petitioner and eight others, alleged that he was carrying
Iron bar to Mahinam Darbhanga at about 3.00 A.M. The dacoits
came and looted the vehicle but the vehicle was traced through
GPS System, this petitioner was apprehended and the informant
identified him. From his possession, truck and Iron rod were
recovered. Immediately thereafter, the co-accused Amarjeet

Kumar was also arrested and from his possession, Samsung Mobile and Iron bars from the field of Ashok Kumar and Devendra Rai were recovered at the disclosure made by Amarjeet Kumar.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 36751 of 2015 dated 06.10.2015 with a direction to the learned trial court to conclude the trial preferably within a period of six months from the date of receipt/production of copy of the order.

This is the second attempt on behalf of the petitioner for bail.

A report regarding the stage of the case was called for from the trial court. From perusal of the said report, it appears that the charge has been framed and process has also been issued against the prosecution witnesses but none has appeared on the date fixed by the trial court.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.12.2014. There is no allegation of tampering with the evidence against the petitioner. He has remained in custody for 1½ years and the prosecution witnesses are not appearing on the date fixed by the trial court.

On behalf of the State it has been submitted that the

petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, 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 the learned A.D.J. IIIrd, Patna, in connection with Masaurhi P.S. Case No. 535 of 2014 (Sessions Trial No. 215/2016).

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(Sudhir Singh, J)