

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19298 of 2016

Arising Out of PS.Case No. -173 Year- 2014 Thana -BARAHIYA District- LAKHISARAI

1. Arun Kumar Singh @ Arun Singh @ Khikhar Singh, s/o Late Nakat Singh, resident of Village Khutaha Chetan Tola, P.S- Barahiya, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anurag Saurav

For the Opposite Party/s : Mr. Akbar Ali (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 07-09-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was rejected by this court but submission on behalf of petitioner is that the informant has made the petitioner as accused in this case on the ground that earlier, her family members were killed by the petitioner and others and, the petitioner and other accused were mounting pressure upon her to withdraw the aforesaid case. Further submission on behalf of the petitioner is that the Photostat copy of FIR of Lakhisarai P.S. Case No. 297 of 2003 (Annexurer-5) goes to show that the informant of the present case lodged the above-said Lakhisarai P.S. Case No. 297 of 2003 with respect to



killing of her father-in-law as well as brother-in-law but in the aforesaid case, the informant did not name the petitioner and, therefore, the claim of the informant of the present case that the petitioner was pressurizing her to withdraw the aforesaid case, does not appear to be convincing. It is further submitted that moreover, co-accused Pankaj Singh against whom, there is specific allegation of murder, has already been granted privilege of bail by a coordinate bench of this court vide order dated 27-10-2015 passed in Cr. Misc. No. 47176 of 2015 and, similarly several other accused are also enjoying the privilege of bail.

The petitioner is languishing in jail custody since 17-10-2014 and the report of learned trial court goes to show that the case is still pending for framing of the charge.

No doubt, petitioner carries criminal antecedent of some cases but considering the aforesaid facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Barahiya P.S. Case No. 173 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai subject to condition that the petitioner shall attend the trial court, in person on each and every date for the period of one year or till

conclusion of his trial, whichever is earlier and if, he fails to do so on two consecutive dates without any reasonable cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

It is also made clear that during the above-said period, if the petitioner is lodged in jail in connection with another case, he shall give information regarding the aforesaid fact to the trial court without any delay. Furthermore, if, the petitioner makes any attempt to terrorize the prosecution witnesses or tamper with the prosecution witnesses, the trial court shall be at liberty to cancel the bail bonds of the petitioner after due and proper inquiry.

A.K.V./-

(Hemant Kumar Srivastava, J)

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