

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20641 of 2016

Arising Out of PS.Case No. -54 Year- 2014 Thana -JALALGARH District- PURNIA

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Md. Shakib Son of Md. Kasim resident of Village- Kakarwa, ward no. 28,
Police Station -Araria, district Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. M. Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

3 22-06-2016 Heard Mr. Vikram Singh, the counsel for the petitioner
and Mr. M. Dayal, APP for the State.

This is repeat application seeking bail in Sessions Trial
No. 1028 of 2014, arising out of Jalalgarh P.S. Case No. 54 of
2014, registered under Section 302/201 of the Indian Penal Code.

The prayer for bail made on behalf of the petitioner
was considered and rejected vide order dated 25.06.2015
(Annexure-1). A liberty, however, was granted to renew for bail
in the court below itself if all the prosecution witnesses are not
examined within nine months from the date of receipt/production
of a copy of this order.

Status report was called for in this case which discloses
that all except one prosecution witness have been examined on
behalf of the prosecution till the date of report i.e. 26.05.2016.

Mr. Singh states that nothing tangible has been elicited by the prosecution through the witnesses already examined. Remaining one witness namely, Dr. Yogesh Prasad Sah has not been examined in the case till date. The petitioner who has no criminal antecedent is languishing in jail since 28.05.2014.

Considering the above facts and circumstances of the case, this Court while declining the prayer for grant of bail dispose of the application by the following orders:

Let the Trial Court endeavour and examine the remaining prosecution witness within five weeks' from the date of receipt/production of a copy of this order failing which the petitioner shall be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 3rd Addl. Session Judge, Purnea in Jalalgarh P.S. Case No. 54 of 2014, subject to the condition that one of the bailors shall be his own/close family member. The petitioner shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Kishore Kumar Mandal, J)

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