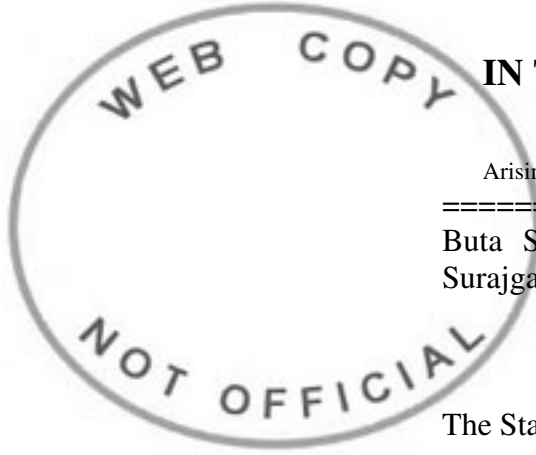




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44600 of 2015

Arising Out of PS.Case No. -67 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

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Buta Singh Son of Late Upendra Singh R/o Village Rampur, P.S.
Surajgarha, District Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Smt. Rita Verma(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 20-07-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody since
15.03.2014 in connection with Surajgarha P.S.Case No.67 of
2014 for the offences under Sections 307, 353, 384/34 of the
I.P.C. and 27 of the Arms Act. This is the second attempt on
behalf of the petitioner for grant of bail.

The prosecution case, in brief, is that while the
informant along with other police personnel were going for
conducting raid on 13.03.2014 at 11.30 P.M., his Officer-in-Charge
informed him that in the east Tola of village- Rampur some



miscreants were creating terror by firing. When on receipt of that information the informant along with police party reached east tola of village-Rampur he heard sound of firing and that the miscreants were abusing and demanding rangdary of Rs.1,00,000/-. upon which, as soon as the informant along with police party went ahead, all the miscreants did murderous attack on the police party with firing. Then the miscreants were ordered to stop otherwise threatened for dire consequences. On being surrounded by the police party three miscreants started fleeing in wheat field but they were caught on chase and they disclosed their name as Buta Singh(petitioner), Sanjay Singh and Raj Kumar alias Khakhoran Singh and they also disclosed that in course of running away they threw their arms in the field of wheat or barley. Then the police party searched the said arms but on account of night the same could not be recovered.

The earlier bail application of the petitioner was rejected vide Cr.Misc.No.32261 of 2014 dated 12.01.2015 directing the trial court to expedite the trial.

By order dated 22.06.2016 a fresh report was asked for from the court below with regard to present stage of the trial.



The same is kept at flag “B”.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.03.2014. He has been implicated in the present case due to dirty village politics. Though there is allegation of firing against the petitioner along with other co-accused persons but none is said to have been injured in course of the occurrence. Hence, no offence under Section 307 of I.P.C. is made out against the petitioner. It is further submitted that the other co-accused, Rajeev Kumar @ Khakhoran Singh having similar allegation has been granted bail vide Cr.Misc. No.28524 of 2014.

From perusal of the fresh report submitted by the trial court it appears that out of 14 chargesheeted witnesses four prosecution witnesses have already been examined. Against rest of the witnesses summons, bailable warrant, notice under Section 170 (2) of Cr.P.C. and letter to the Superintendent of Police, Lakhisarai, have already been issued. Still no witnesses have been produced after 8.9.2015.

On behalf of the State it is submitted that it has been admitted that since 8.9.2015 no witnesses have been produced by the

prosecution in the trial court.

Considering the aforesaid facts and circumstance, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge,2nd, Lakhisarai, in S.Tr. No.65/15 arising out of Surajgarha P.S.Case No.67/14.

(Sudhir Singh, J)

AnilKrSinha/-

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