

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49081 of 2015

Arising Out of PS.Case No. -498 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

=====

Lalu Patel @ Manish Patel @ Lula Patel @ Manish Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Adv.

For the Opposite Party/s : Mr. Sakir Ahmad(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-03-2016

Though, the earlier bail application of the petitioner was rejected by a co-ordinate Bench of this Court but the matter has been placed under the heading 'For Admission' before this Court in view of the administrative order of Hon'ble the Acting Chief Justice dated 16.02.2016 since the concerned Bench is not available due to medical exigency.

The petitioner has renewed his prayer for bail in case registered for the offences punishable under Sections 341, 307 and 504/34 of the IPC and Section 27 of the Arms Act.

The prosecution case is that the petitioner along with others came when petitioner shot dead at the breast of the wife of the informant.

It is submitted by learned counsel for the petitioner that the injury report has been brought on record which suggests two



lacerated wounds of inverted margin and muscle deep over both sides of sternum, though, opinion with regard to injuries has been kept reserved. Charge sheet has been submitted under Sections 341, 307 and 504/34 of the IPC and 27 of the Arms Act. It is further submitted that the brother of the petitioner namely Ragho Singh was shot dead by the present informant Nagina Singh, his son and other co-accused for which Bhabhua P.S. Case No. 300 of 2013 was registered on 11.04.2013 levelling accusation under Sections 302 and 120B/34 of the IPC and 27 of the Arms Act, hence as a retaliatory measure, the petitioner has been roped in the present case maliciously. The petitioner is accused in one other case apart from present one which was also lodged by the informant's side. Though, he is on bail in the said case. A statement to that has been made in para 3 of the petition. The petitioner is languishing in custody since 27.12.2014.

The report of learned Addl. District and Sessions Judge-III, Kaimur at Bhabhau dated 10.12.2015 at flag-'A' suggests that no witness has been examined till date.

Considering the submission that the victim survived the injury, final opinion with regard to nature of injury is not collected till submission of final form, there is no accusation of repeating blow and the report of the learned Addl. District and

Sessions Judge-III, Kaimur at Bhabhau suggests that there is no likelihood of trial being concluded, let the above named petitioner be released on bail on furnishing bail bonds of ₹10,000/-(ten thousands) with two sureties of like amount each to the satisfaction of learned Addl. District and Sessions Judge-III, Kaimur at Bhabhau in connection with Bhabhua P.S. Case No. 498 of 2014, S. Tr. No. 145/32 of 2015.

Learned trial court will be at liberty to cancel the bail bonds of the petitioner if he defaults for two consecutive occasions or he substantially gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--