

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 36403 of 2014

Arising Out of PS.Case No. -376 Year- 2012 Thana -NAWADA District- NAWADA

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Dudhesh Singh Son of Indrajit Singh Resident of Village - Baligarh Tola, Desipur,
P.S. - Bhavnathpur, District - Garhwa (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-05-2016

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Nawada Town P.S.
Case No. 376 of 2012 dated 29.07.2012 instituted under Sections
364A of the Indian Penal Code.

This is the second attempt of the petitioner for bail
as earlier such prayer was rejected by order dated 14.07.2014 in
Cr. Misc. No. 11826 of 2014 by which the Court was also directed
to expedite the trial and conclude the same within nine months.
However, the same not having been done, a report was called from
the trial Court by order dated 16.03.2016. Pursuant to the same,
a report has been submitted by the Court below in which reasons
have been given for the delay in trial.

However, coming to the merits of the matter,
learned counsel for the petitioner submits that on the last
occasion, the Court was persuaded to reject the application as a



distinction was made with the case of Sunil Singh @ Sunil Kumar Singh, who was granted bail by a co-ordinate Bench, inasmuch as it was submitted by learned A.P.P. that the victim was kept in the house of the petitioner. He submits that as per the statement of the victim recorded during the investigation by the police, the allegation against the petitioner and Sunil Singh @ Sunil Kumar Singh are similar as it has been alleged that soon after keeping the victim in the house of the petitioner, they were taken to the house of Sunil Singh @ Sunil Kumar Singh. It is submitted that subsequently, in the statement before the Court under Section 164 of the Code of Criminal Procedure, 1973, the said two victims, namely, Rajendra Prasad and Sunil Kumar Sahu have not taken the names of the petitioner, and rather of other persons. It is submitted that the petitioner, having clean antecedent, is in custody since 29.07.2012 without any Test Identification Parade.

Learned A.P.P. opposes the prayer for bail. However, he is not in a position to controvert the fact that the petitioner is similarly situated to Sunil Singh @ Sunil Kumar Singh and that the victims themselves in their statement before the Court did not name him.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,

Nawada in Nawada Town P.S. Case No. 376 of 2012. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to do so shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	