

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44516 of 2016

Arising Out of PS.Case No. -59 Year- 2014 Thana -JAYNAGAR District- MADHUBANI

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1. Shiv Nath Singh son of Sri ram Prasad Singh, Resident of Village-Selara, P.S. - Jayanagar, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Babita Kumari, Advocate

For the Opposite Party/s : Mr. Sri Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-12-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offences under Sections 328, 302 and 429/34 of the I.P.C.

Earlier the bail application of the petitioner was rejected vide Annexure-1 to the present application.

A report was called for from the trial court regarding the stage of the case. It has been reported that out of eleven prosecution witnesses three prosecution witnesses have been examined. Since 6.8.2016 after the sad demise of the Presiding Officer the court is lying vacant.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.5.2014. He has remained in custody for about two years and seven months. The petitioner has



got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest his implication in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and he is the husband of the deceased.

Considering the aforesaid facts and circumstances and the period of custody, it is directed that the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI, Madhubani in connection with Sessions Trial No.412 of 2014 arising out of Jaynagar P.S. case No.59 of 2014.

The petitioner is further directed to co-operate during the trial. If the trial court feels that the petitioner is not co-operating during the trial the court below will be at liberty to cancel the bail of the petitioner.

(Sudhir Singh, J)

Narendra/-

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