

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36292 of 2016

Arising Out of PS.Case No. -42 Year- 2014 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

Sonu Tiwary Son of Anirudh Tiwary the resident of Purani Durga Asthan,
Sultanganj, P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Sri Matloob Rab

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 18-11-2016 Heard the counsel for the petitioner and Mr. Matloob
Rab, learned APP for the State.

The petitioner is languishing in jail custody since
04.08.2014 in connection with BGP Railway P.S. Case No. 42 of
2014 registered under section 307/34 IPC.

In brief, the prosecution case is that while the informant
after taking water from the river Ganga was returning from the
station, three miscreants aged between 20-30 suddenly intercepted
and tried to assault him. When a Hulla was raised, one of them
fired upon him causing injury.

The contention of the petitioner is that the FIR was
lodged against unknown. There is no eye-witness to the

occurrence. The petitioner is in custody since 04.08.2016. One of the accused persons namely Vikash Kumar @ Uncle has been released on bail by this Court vide order dated 10.08.2015 passed in Cr. Misc. No.29588 of 2015 considering the allegation and period of incarceration.

Learned APP opposed the prayer and submitted that the petitioner has several criminal cases to his credit. Many of them are of serious nature.

A status report was called for which has been received and placed at Flag-A from perusal whereof it appears that although the trial has been taken up, but no prosecution witness has been examined.

Considering the materials available on record including the antecedents of the petitioner, this Court while declining the prayer for bail, disposes of the bail application by the following order:-

Let the trial court endeavour and examine all the prosecution witnesses within 05 months from the date of receipt/production of a copy of this order failing which the petitioner above named shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of IVth Addl. Sessions Judge, Bhagalpur

in S.T. No. 744 of 2014 (arising out of BGP Railway P.S. Case No. 42 of 2014) on condition that one of the bailors of the petitioner shall be his own/close family member. In the event of framing of charge, the petitioner shall appear personally on each date fixed at the trial. In case he skips his appearance thereat on two consecutive dates, the trial court shall have liberty to cancel his bail bonds and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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