

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41615 of 2016

Arising Out of PS.Case No. -67 Year- 2015 Thana -BACHWARA District- BEGUSARAI

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Devendra Rai, S/o - Hari Narayan Rai, Resident of Village - Bishanpur, P.S.
- Bachhawara, District - Begusarai. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party : Mr. Sri Manoj Kumar – 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-11-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail,
which was earlier rejected vide order dated 24.02.2016 passed in
Cr. Misc. 57760 of 2015, on the ground that the petitioner is
suffering in custody since 17.04.2015 as alleged offence
punishable under section 302 of the Indian Penal Code is not made
out rather this is a case under section 304 part II of the Indian
Penal Code. Admittedly, there was land dispute and due to land
dispute the occurrence has taken place and in near further the trial
is not likely to be concluded as up till now no prosecution
witnesses have been examined and there is no chance of tampering
with the prosecution evidence, the stage of the case has been
changed and, as such, the petitioner deserves sympathetic
consideration.

Learned A.P.P. opposes the prayer by submitting

that the petitioner assaulted on the head of the husband of the informant with piece of bamboo.

In the facts and circumstances stated above, considering that up till now no prosecution witnesses have been examined and in near future the trial is not likely to be concluded, there is no chance of tampering with the prosecution evidence and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st Begusarai, arising out of Bachhawara P.S. Case No. 67 of 2015 (S.Tr. No. 616 of 2015), subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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