

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49911 of 2016

Arising Out of PS.Case No. -86 Year- 2014 Thana -PATRAKARNAGAR District- PATNA

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Niraj Singh S/o Arun Kumar Resident of Village - Ranipur, P.S. - Hiranpur,
Dist - Pakur (Jharkhand).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 30-11-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 302 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was
rejected by this court vide order dated 01.12.2015 passed in Cr.
Misc. No. 48509 of 2014 giving direction to trial court to conclude
the trial of the petitioner within six months but the impugned order
goes to show that still the trial of the petitioner is pending for
recording the statement of doctor and some other witnesses.

Learned counsel for the petitioner submits that
petitioner is in jail custody since 06.05.2014 and the present case
hinges upon circumstantial evidence and moreover, all the



material prosecution witnesses have already been examined. It is further submitted that so far as doctor is concerned, the Senior Superintendent of Police, Patna did not take any step to procure the attendance of aforesaid prosecution witness in spite of specific direction of this court.

Considering the aforesaid facts and circumstances as well as submissions of 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 Additional Sessions Judge-IX, Patna in connection with Sessions Trial No. 845 of 2014 arising out of Patrakar Nagar P.S. Case No. 86 of 2014, subject to condition that he shall attend the trial court on each and every date in person for the period of six months or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any genuine cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner. Furthermore, one of the sureties must be close relative of the petitioner who shall swear an affidavit before the trial court as to how is he related with the petitioner.

(Hemant Kumar Srivastava, J)

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