

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49299 of 2016

Arising Out of PS.Case No. -38 Year- 2015 Thana -KIHIRI MORE District- PATNA

=====

Radha Prasad S/o Late Shivdhari Singh, resident of Village- Paigambarpur,
P.S.- Khiri More, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate
Mr.Rakesh Singh, Advocate

For the Opposite Party/s : None

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

- 3 07-12-2016 Heard the learned senior counsel appearing on behalf of the petitioner. However, none appears on behalf of the State of Bihar, though the name of the learned Addl.P.P. appearing on behalf of the State of Bihar is printed in the daily cause list.

The prayer for bail made on behalf of the petitioner with respect to a criminal prosecution registered under Sections 307/34 and some other allied offences under the Indian Penal Code as also under Section 27 of the Arms Act was rejected earlier by order dated 31.05.2016 passed in Cr.Misc.No. 24056 of 2016, as contained in Annexure-1 to the bail petition, with an observation that the petitioner shall be at liberty to renew his prayer for bail on completion of one year in judicial custody.

The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 27.10.2015 and since then more than one year has already elapsed. He further submits that though charge was framed earlier against the petitioner, but till date only one witness has been examined. Therefore, according to him, there is no chance of the trial of the



petitioner being concluded in near future.

This matter was heard earlier and by an order dated 23.11.2016, a report was called for from the learned trial court about the status of the trial of the petitioner.

In compliance of the aforesaid order dated 23.11.2016, a report has been submitted by the learned trial court which has been kept at Flag 'X'. From perusal of the aforesaid report it appears that out of total seven non-official chargesheet named witnesses, only one witness has been examined till date.

Taking into consideration the period of incarceration already undergone by the petitioner and also taking into consideration the observation made earlier by this Court in the order dated 31.05.2016 (Annexure-1), this Court is inclined to accede to the prayer made on behalf of the petitioner. Accordingly, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- /-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VII, Danapur, Patna in connection with Sessions Trial No. 450 of 2016/558 of 2016 arising out of Khiri More P.S.Case No. 38 of 2015, subject to the following conditions that:

- (A) one of the bailors shall be a government servant,
- (B) other bailor shall be either one of the parents or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (C) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail bonds of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of



hearing to all concerned, and

(D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Tahir/-

U		T	
---	--	---	--

