

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10582 of 2016

Arising Out of PS.Case No. -261 Year- 2014 Thana -NAWADA District- NAWADA

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1. Jhunnu Kumar Son of Ashok Kumar @ Bare Mali R/o Mohalla - New Area, P/s - Town Nawada, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s Mr. Suresh Pd. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 27.07.2016

Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections 302, 201 and 120B of the Indian Penal Code.

Earlier prayer for bail of the petitioner was twice rejected by this court but submission on behalf of the petitioner is that petitioner is in jail custody since 31.5.2014 and up till now, not a single prosecution witness could be examined. It is further submitted that confessional statement of co- accused Rocky Kumar @ Nata Kumar has been recorded at para 58 of the case diary in which the said accused confessed before police that it was he who killed the deceased and so far as the petitioner is concerned, the aforesaid co- accused Nata Kumar stated that the petitioner and some others helped in disposal of the dead body of deceased.

The trial court has reported that charged against the

petitioner was framed on 16.2.2016 and summonses have been issued to prosecution witnesses. It is obvious from the report of the trial court that up till now, not a single prosecution witness could be examined and there is no possibility of conclusion of trial of the petitioner in near future.

Considering the above stated 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/- with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge I, Nawada in Sessions Trial no. 315/2014 arising out of Nawada Town P.S. Case no. 261/2014 subject to the condition that petitioner shall attend the learned trial court in person on each and every date for the period of nine months or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

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(Hemant Kumar Srivastava,J)

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