

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15191 of 2015

Arising Out of PS.Case No. -129 Year- 2013 Thana -GOH District- AURANGABAD

Prabhu Bind @ Parbhu Bind S/o Chando Bind Resident of Village Gumhari, Police Station Goh, Post Office Singhari, District Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 04-07-2016

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in Goh P.S. Case No. 129 of 2013 dated 24.06.2013 instituted under Sections 147/ 148/ 149/ 323/ 324/ 326/ 307/ 302 of the Indian Penal Code and 27 of the Arms Act.

This is the second attempt of the petitioner for bail as earlier such prayer was rejected on 05.08.2014 passed in Cr. Misc. No. 24869 of 2014.

A report has been received from the 1st Additional Sessions Judge, Aurangabad dated 23rd April, 2016 in which reasons have been mentioned and it has also been stated that the trial is likely

to be concluded within nine months, if prosecution cooperates.

Learned counsel for the petitioner submits that on the last occasion though it was brought to the notice of the Court that similarly situated co-accused had been granted bail but the Court had not granted such indulgence in view of submissions of learned A.P.P. that the co-accused, who were granted bail were in custody since 25.06.2013, whereas the petitioner was in custody since 14.04.2014. It is submitted that against the petitioner there is no allegation of possessing firearm and, at best, he was party only in the general assault along with many others. It is submitted that Deo Raj Yadav, against whom there was specific allegation of possessing firearm, and in the postmortem three firearm injuries have been found, has been granted bail by a co-ordinate Bench on 20.04.2016 in Cr. Misc. No. 13636 of 2016. Learned counsel submits that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for bail. However, he is not in a position to controvert the fact that in the F.I.R. itself the petitioner is not said to have possessed any firearm and is only a member of the mob which had assaulted and made firing, though specifically it has been stated as to who of the other co-accused was possessing which firearm.

Considering the facts and circumstances of the case and

submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Aurangabad in Sessions Trial No. 117/14/65/14 arising out of Goh P.S. Case No. 129 of 2013. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate and appear on each and every date in the trial and failure to do so shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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