

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33550 of 2016**

Arising Out of PS.Case No. -27 Year- 2012 Thana -BARURAJ District- MUZAFFARPUR

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Raj Kishore Dubey S/o Late Vishwanath Dubey, R/o village Bishunpur  
Haril, P.S. Baruraj, Dist. Muzaffarpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

4      05-10-2016

Heard learned counsel for the petitioner and the  
  
State.

This is the third attempt of the petitioner to seek  
bail in connection with Baruraj P.S. case no. 27 of 2012,  
registered under Sections 302/34 of the IPC wherein the allegation  
is that the petitioner inflicted ‘*Bhujali*’ blow on the father of the  
petitioner and killed. In the second attempt for grant of bail before  
this Court an order was passed on 07.10.2015 (Annexure-1/A).  
The Court while rejecting the prayer for bail observed if the  
prosecution fails to examine all prosecution witnesses within 07  
months from the date of receipt/production of a copy of this order,  
he shall have liberty to renew prayer for bail. In the light of the  
said liberty the present application for bail.

It is submitted that in spite of the said observation,



the trial Court has not examined all prosecution witnesses. The petitioner is languishing in jail since 01.12.2013. A status report called for from the Trial Court is placed at Flag- 'X' . From perusal whereof, it appears that upon transfer of the case from the Court of learned 4<sup>th</sup> Additional Sessions Judge 10 out of 13 witnesses have been examined on behalf of the prosecution. Only 03 witnesses remained to be examined. Balancing the fundamental right of a citizen as well as the right of the society, this Court would dispose of the application while declining the prayer for bail by the following order:-

Let the trial Court take steps and examine the remaining prosecution witness within 04 months from the date of receipt/production of a copy of this order before the Court, failing which the trial Court shall release the petitioner on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the 4<sup>th</sup> Additional Sessions Judge, Muzaffarpur, in connection with Baruraj P.S. Case No. 27/12, Sessions Trial No. 444/2014 subject to the following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.



(ii) In the event of grant of bail, the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

Shyam/-

**(Kishore Kumar Mandal, J)**

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