

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40073 of 2016

Arising Out of PS.Case No. -19 Year- 2012 Thana -KATIHAR GRP CASE District- KATIHAR

Hriday Kumar Singh, Son of Late Nand Kishore Singh, Resident of village -
Naya Tola, Abdulla Nagar, P.S. Sadar, District Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 22-11-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since 23.07.2012 in connection with S.T. No. 556/13, arising out of Rail P.S. Case No. 19/12 for offences punishable under Sections 328, 379 of the Indian Penal Code and later on Section 307/34 of the Indian Penal Code has been added.

The prosecution case is that on 26.02.2012 informant boarded Capital Express for going to Chapra. When the train reached at Katihar then three persons seated by his side, offered tea and biscuit. After taking biscuit, informant fell unconscious. When he gained sense, he found his treatment was going on at the hospital and did not find Rs. 25,000/- kept

in his pocket along with other articles kept in a bag.

It has been submitted by the learned counsel for the petitioner that he had been arrested in Katihar (Rail) P.S. Case No. 11/12, has been acquitted by this Court in Cr. Appeal No. 558 of 2012 and has been remanded in the present case on 23.07.2012. He submits that it is only on the basis of suspicion that the petitioner has been alleged to have committed the offence. He further submits that no incriminating article has been found from the possession of the petitioner and other than this case he has no other criminal antecedent. Earlier by order dated 17.09.2016, 18.10.2016 compliance report was called from the court below and the Superintendent of Police (Rail), Katihar was also directed to produce witnesses. A compliance report has been sent by Addl. Sessions Judge-V, Katihar dated 20.10.2016 that the trial is expected to be concluded within eight months.

Learned APP for the State submits that the allegation against the petitioner having been found true, hence, opposes the prayer for bail.

Considering the aforesaid submission, since the petitioner is languishing in custody since 23.07.2012 and the trial is not expected to be concluded in near future, let



petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Katihar, in connection with S.T. No. 556/13, Katihar (Rail) P.S. Case No. 19/12.

(Nilu Agrawal, J.)

Rajesh/-

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