

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53455 of 2015

Arising Out of PS.Case No. -386 Year- 2013 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Shyam Prasad son of Amirak Prasad, Resident of village- Koniyyapar, P.S.-
Chiksaura (Hilsa), District- Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Indu Bala Pandey(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 29-06-2016

Heard learned counsels for the petitioner and

the State.

The petitioner being the husband of the
victim has renewed his prayer for bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

The accusation is of killing the daughter of
the informant by throttling after eight years of the marriage.

It is submitted by learned counsel for the
petitioner that there is no eye witness to the occurrence. Moreover,
only three witnesses have been examined so far but they have not
supported the prosecution case.

A report was called for from the learned trial
court. The report dated 28th March, 2016 of learned Additional

Sessions Judge-II, Hilsa, Nalanda reflects that only two witnesses have been examined and they have been declared hostile whereas it is submitted by learned counsel for the petitioner that on 29.04.2015 third witness was also examined which suggests the casual manner in which the learned trial court has prepared the report. The report further stipulates that S.P., Nalanda has not taken any needful action for the production of the witnesses.

Considering the fact that the petitioner is languishing in custody since 22.09.2013 and there is no likelihood of conclusion of the trial in near future, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Hilsa, Nalanda in connection with Sessions Trial No. 298 of 2014 arising out of Hilsa (Chiksaura) P.S. Case No. 386 of 2013.

The learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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