

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43158 of 2016

Arising Out of PS.Case No. -91 Year- 2005 Thana -PAKRIBARAWAN District- NAWADA

=====

Fekan Singh Son of late Bishundev Singh Resident of Village Khutahadih,
Police Station Barahia, District Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Parmod Kumar

For the Opposite Party/s : Smt. Sucheta Yadav

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 16-11-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Section 302 and other allied sections of

the Indian Penal Code and Section 27 of the Arms Act.

No doubt, five persons were killed in the present

case and petitioner is one of the named accused. It is also not in

dispute that earlier the prayer for bail of the petitioner was rejected

by this court taking seriousness of the case but the report of

learned trial court goes to show that last prosecution witness was

examined in the year 2010 and since last six years, not a single

prosecution witness turned up for examination. Petitioner is

languishing in jail custody since 18.06.2009 and above stated

conduct of the prosecution goes to show that prosecution only wants to keep the petitioner behind the bar without any material progress in the trial of the petitioner. Moreover, one co-accused, namely, Ram Sagar Singh @ Sagar Singh, having more or less similar allegation, has already been granted privilege of bail by a co-ordinate Bench of this court vide order dated 19.08.2015 passed in Cr. Misc. No. 50279 of 2014.

Considering the aforesaid 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge, Nawada in connection with Sessions Trial No. 272 of 2009/44 of 2011 arising out of Pakri Barawan P.S. Case No. 91 of 2005.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--