

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5345 of 2016

Arising Out of PS.Case No. -174 Year- 2014 Thana -SAHAR District- BHOJPUR

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1. Ojindra Singh @ Vojindra Yadav son of Etwar Singh resident of Village Inrukhi, P.S.- Sahar District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 24-02-2016 Heard counsel for the petitioner as well as the informant.

This is repeat application seeking bail in Sahar P.S. case no.174 of 2014 registered under Sections 364,302 and 201/34 of the IPC.

Earlier the petitioner has moved for bail in this Court in Cr. Misc. no. 17200 of 2015 which was heard along with Cr. Misc. no. 14817 of 2015 (Lallu Singh vs. The state of Bihar) and prayer for bail was rejected vide order dated 22.6.2015 (Annexure-4) granting liberty to the petitioner to renew prayer for bail within six months from the date of receipt/communication of a copy of this order, if the trial does not record substantial progress.



It is stated that the trial Court has not recorded much progress. After expiry of the period granted under the said order co-accused Lallu singh moved this Court for bail in Cr. Misc. no. 3338 of 2016 only this Court, while declining the relief, directed the trial court to endeavour to examine all material prosecution witnesses within four months, failing which he was directed to be released on bail.

A report was called for from the trial Court wherefrom it appears that till 10.2.2016 no witness on behalf of the prosecution was examined. Counsel for the informant states that on 17.2.2016 one witness on behalf of the prosecution has been examined. It is stated that petitioner like co accused Lallu Singh is in custody since 19.11.2014

Considering the facts and circumstances of the case, as also the observation made in the previous order of this court and the order which this Court passed on 27.1.2016 in Cr. Misc. no. 3338 of 2016, this Court, while declining the prayer made in this application, disposes of the application by the following order:-

Let the learned trial Court in seisin of the case endeavour to examine all the materials prosecution witnesses within four months from the date of receipt/communication of a

copy of this order, failing which the trial Court shall release the petitioner, above named, 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 Additional Sessions Judge 3rd Arah, Bhojpur, in connection with Sessions Trial no. 210 of 2015, arising out of Sahar P.S. case no. 174 of 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 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.

(Kishore Kumar Mandal, J)

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