

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33147 of 2016

Arising Out of PS.Case No. -92 Year- 2012 Thana -DARIYAPUR District- SARAN

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1. Vidhan Rai S/o Ram Naresh Rai R/o Village Harpur, P.S.- Dariyapur,
District- Saran Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 24-08-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew his prayer of bail, which was earlier rejected vide order dated 09.10.2015 passed in Cr. Misc. No. 25916 of 2015, on the ground that the petitioner is in custody since 01.12.2014, FIR has been lodge after delay of 24 hours, the informant has re-married with Anil Rai and the petitioner has been made victim of circumstances, there is no chance of tampering with prosecution evidence and the trial has not been concluded within the time given by this Court and further no offence under Section 302 IPC is made out rather it comes under Section 304 Part II of the IPC and as such the petitioner deserves sympathetic consideration to which the learned APP opposes..

In the facts and circumstances stated above, considering

the period of custody and in near future the trial is not likely to be concluded and further considering that three witnesses examined have not supported the prosecution case, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra in connection with Dariyapur P.S. Case No. 92 of 2012, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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