

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52158 of 2015

Arising Out of PS.Case No. -200 Year- 2011 Thana -SARAI District- VAISHALI(HAJIPUR)

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Akhilesh Singh son of Sri Krishna Kumar @ Ramdeo Singh, resident of
village- Sisauna, Prabodhi, P.S.- Sarai, District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 07-09-2016

Heard learned counsels for the petitioner and

the State.

The petitioner has renewed his prayer for bail
in a case registered for the offences punishable under Sections
302/34 of the Indian Penal Code and sections 3(2)(v) of the SC/ST
(Prevention of Atrocities) Act.

The specific accusation of assault on the head
of the victim with iron rod is alleged against co-accused Mithilesh
Singh when the petitioner alleged to have pressed the neck of the
victim with lathi and co-accused Manoj Singh assault with lathi.

On submission of learned counsel for the
petitioner that post-mortem report does not reflect any injury on
the neck when other co-accused Manoj Singh alleged to have
assaulted with lathi has been granted bail by a co-ordinate Bench
of this Court vide Cr. Misc. No. 5743 of 2013 and a statement was



made in paragraph 22 that the petitioner has no criminal antecedent the petitioner was granted bail by this Court vide order dated 18.07.2013 passed in Cr. Misc. NO. 22499 of 2013. Since it was submitted by learned counsel for the informant that the petitioner is accused in one other case also the learned court below was directed to accept the bail bond of the petitioner on verification of the fact that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the petitioner that the petitioner initially furnished the bail bond and was released but through subsequent report of the police it was found that the petitioner is accused in one other case, hence, the bail bond of the petitioner was cancelled. It is further submitted that earlier Hajipur Town P.S. Case No. 402 of 1995 was registered under Sections 147, 149, 341, 353, 307 and 337 of the Indian Penal Code wherein the petitioner has been granted bail. The FIR of the earlier case and the order of learned CJM granting bail to the petitioner have been brought on record as Annexure-3 series. It is further submitted that at the relevant time the petitioner was minor.

A report was called for from learned trial court the evidence has still not been concluded as two non-

government witnesses and the doctor are left to be examined and the trial is likely to be concluded within a period of three months.

Keeping in view of the fact that the petitioner was granted bail on merits vide Cr. Misc. No. 22499 of 2013, co-accused Manoj Singh, who alleged to have assaulted with lathi, has been granted bail by a co-ordinate Bench of this Court but the petitioner's bail bond was cancelled since it is found that he is accused in one other case though statement in paragraph no. 3 of the earlier petition was made that he has no criminal antecedent but due to the said concealment he further remained in custody since 24.08.2015, 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 1st Additional Sessions Judge, Vaishali at Hajipur in connection with Sessions Trial No. 309 of 2015 arising out of Sarai P.S. Case No. 200 of 2011.

The learned trial court 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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