

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32008 of 2017

Arising Out of PS.Case No. -247 Year- 2016 Thana -BIHARSHARIF District- NALANDA
 (BIHARSHARIFF)

=====

1. Biran Kumar Son of Vijay Yadav, Resident of Village/Mohalla-
 Gauragarh, P.S.- Biharsharif, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s Mr. Kumar Ranjit Ranjan

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03 09.08.2017 Heard learned counsel for the petitioner as well as learned
 Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 23.8.2016 in a case registered under section 307 and other minor sections of the Indian Penal Code on the accusation that he as well as other accused mercilessly assaulted the informant causing grievous injuries on his both hands and legs and taking note of the aforesaid fact earlier prayer for bail of the petitioner was rejected by this court vide order dated 16.12.2016 passed in Cr. Misc. no. 41445/2016.

Trial court has reported that due to non-production of accused and filing petition under section 228 of the Cr.P.C, charge could not be framed but I am not at all convinced with the explanation given by the court below because petition filed under section 228 of the Cr.P.C could have been disposed of by the court below even in presence of learned counsel for the petitioner. However, it is obvious



from the aforesaid fact that there is no possibility of conclusion of trial of the petitioner in near future.

Considering the aforesaid facts as well as submissions of the parties, petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge II, Nalanda at Bihar Sharif in Sessions trial no. 266/2017 arising out of Bihar P.S. Case no. 247/2016 subject to condition that if any complain regarding tempering with the prosecution evidence or threatening to the prosecution witnesses is made against the petitioner, trial court shall be at liberty to cancel the bail bonds of the petitioner after due and proper enquiry.

shahid

(Hemant Kumar Srivastava,J)

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

