

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44494 of 2016

Arising Out of PS.Case No. -35 Year- 2013 Thana -BARAHIYA District- LAKHISARAI

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Aman Kumar son of Girish Singh, resident of village- Prayag Tola,
Barahiya ward No. 6 Police station - Barahuiya, district - Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 10.05.2017

Heard learned counsels for the petitioner and
the State.

The present application has been filed with a
prayer for bail in a case of misuse.

The petitioner was earlier granted bail vide
order dated 28.01.2014 passed in Cr. Misc. No. 52700 of 2013 in a
case registered for the offences punishable under Sections 307 and
353/34 of the Indian Penal Code and Sections 25(1-B)a/26/27 of
the Arms.

The prosecution case is that the police raided



the hutment of one Ramdeo Ram when some miscreants were apprehended. During raid firing was resorted to by the miscreants as a result co-accused Shambhu Singh sustained injury and subsequently he succumbed to the injury. From the possession of petitioner, one country made pistol and broken butt of the pistol along with cartridges were recovered.

It is submitted by learned counsel for the petitioner that police only in order to save its skin due to killing of Shambhu Singh at the hands of the police, the petitioner has been roped in the present case.

The petitioner was granted bail vide order dated 28.01.2014 passed in Cr. Misc. No. 52700 of 2013 with a rider in view of the serious criminal antecedent of the petitioner the learned court below was given liberty to cancel the bail bonds of the petitioner if he substantially gets involved in some serious nature of offence or defaults for three consecutive occasions.

The impugned order reflects that on 12.02.2014 the charges were framed but after 24.07.2014 on several dates the petitioner did not appear, hence, his bail bond was cancelled on 19.11.2014 and he was declared absconder. Subsequently an application was filed for issuance of production warrant as the petitioner was in custody in other case and



thereafter on 22.02.2016 the petitioner was taken into custody in the present case. Hence, the petitioner has misused the privilege of bail for more than a year.

It is submitted by learned counsel for the petitioner that, at present, the petitioner is accused in only one case being Barahiya P.S. Case No. 59 of 2012 registered under Sections 25(1-B)/26/27 of the Arms Act in which he is on bail. It is further submitted that the petitioner is ready to appear on each and every date during trial. Out of eleven witnesses only four have been examined and there is no likelihood of conclusion of trial in near future.

In view of the fact that the petitioner was earlier granted bail and has now remained in custody for more than a year, 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 Additional Sessions Judge-III, Lakhisarai in connection with S.C. Case No. 732 of 2013 arising out of Barahiya P.S. Case No. 35 of 2013.

One of the bailors will be father of the petitioner.

The learned trial court will be at liberty to



cancel the bail bonds of the petitioner in two eventualities i.e. if he defaults for two consecutive occasions or substantially gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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