

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18292 of 2017

Arising Out of PS.Case No. -49 Year- 2014 Thana -KAUAKOL District- NAWADA

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1. Surendra Singh, S/o Sidheshwar Singh @ Sudhesi Singh, R/o Rustumpur,
P.O.- Kadhar, Thana- Koiwakoil, District- Nawada (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. Ram Anurag Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

8 04-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in custody since 13.05.2016 in connection with S.T. No. 383/2016, arising out of Kauakol P.S. Case No. 49/2014 for offences punishable under Section 302 and other allied Sections of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while his mother Tara Devi and elder brother Gopal Singh were returning after purchase of marriage items, the petitioner along with seven other accused started indiscriminate firing resulting in death of his mother and brother. The accused also snatched Rs. 80,000/- from their possession.



It has been submitted by the learned counsel for the petitioner that he is innocent, trial is going on and some of the accused have been acquitted by the trial court in Sessions Trial No. 69/2015/ 18/2015 by the court of learned Addl. District and Sessions Judge-I, Nawada on 12.01.2017 while some have been convicted on the ground that there was personal enmity between some of the accused and the petitioner's side. He further submits that there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel for the informant and learned APP for the State submit that the petitioner along with others fired on the informant's mother and brother, as a result two persons were killed and the informant was an eye-witness to the alleged occurrence, hence, oppose the prayer for bail.

A report was called for from the court of learned Addl. District and Sessions Judge-I, Nawada, which has been received vide letter no. 188/17 on 29.05.2017 stating therein that charges have been framed on 09.09.2016 and the trial is likely to be concluded shortly.

Under such circumstances I am not inclined to grant privilege of bail to the petitioner at this stage in connection with



Sessions Trial No. 383/2016, arising out of Kauakol P.S. Case No. 49/2014, pending in the court of learned ADJ-I, Nawada.

Application is accordingly rejected. However petitioner may renew his prayer for bail after nine months if trial is not concluded by that time.

Trial court is directed to conclude the trial on day-to-day basis.

(Nilu Agrawal, J)

Rajesh/-

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