

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1146 of 2017

Arising Out of PS.Case No. -167 Year- 2015 Thana -HUSAINGANJ District- SIWAN

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1. Kyamuddin @ Qumuddin, son of Md. Hussain, Resident of Village-Pratap Pur, Police Station- Husainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 18-01-2017 Heard learned counsel for the petitioner as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Hussainganj P.S. Case No. 167/2015, registered for the offences punishable under Sections 341, 323, 324, 307, 302 and 34 of the Indian Penal Code.

The petitioner wants to renew his prayer of bail which was earlier twice rejected by order dated 13.01.2016 and 10.08.2016 passed in Cr. Misc. No. 47375/2015 and Cr. Misc. No. 31871/2016 respectively on the ground that the petitioner is suffering in custody since 08.08.2015 and there is no specific allegation against him. Only one injury has been found on the person of the deceased and there is case and counter case. The petitioner has got no criminal antecedent. No prosecution witness has been examined uptill now,



though there was direction to conclude the trial within four months.

Learned A.P.P. opposes the prayer of bail and submits that besides the deceased four other persons were brutally assaulted and they received serious injuries. Prayer of bail of other co-accused has also been rejected by the co-ordinate bench of this Court.

In the facts and circumstances stated above, 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, Siwan in connection with Hussainganj P.S. Case No. 167/2015, subject to the conditions that one of the bailors must be 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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