

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5023 of 2017

Arising Out of PS.Case No. -138 Year- 2015 Thana -PARSABAZAR District- PATNA

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Shiv Kumar, Son of Devendra Singh, R/o-Village-Dhibra, P.S.-Parsa Bazar,
District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Deovind Kumar Singh, Advocate.

For the Opposite Party : Mr. Shailendra Kumar -2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 25.01.2016
in connection with Sessions Trial No. 380 of 2016, arising out of
Parsa Bazar P.S. Case No. 138 of 2015 for the offences instituted
under Sections 324, 326, 307 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that co-accused Sonu
Singh engaged the informant as daily labour for harvesting the
field of Ghongal Singh by his Tractor. Sonu Singh told the tractor
driver to move tractor with intention to kill the informant and
when the driver moved the tractor as a result of which left hand of
the informant was cut and separated from his body. It is further
alleged that Sonu Singh and other unknown persons committed



this occurrence with intention to kill the informant.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 16461 of 2016 with an observation “at this stage”.

A report was called for from the court below. It has been reported that out of seven witnesses, four witnesses have already been examined.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. In the cross-examination, the victim has denied his presence at the place of occurrence. The other witnesses have been declared hostile. F.I.R. was instituted after eight days of the occurrence. The delay has not been explained by the prosecution.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions



Judge-IXth, Patna, in connection with Sessions Trial No. 380 of 2016, arising out of Parsa Bazar P.S. Case No. 138 of 2015.

The petitioner is directed to be personally present on each and every date fixed by the court below failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

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(Sudhir Singh, J)

