

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9030 of 2013

Arising Out of PS.Case No. -8 Year- 2007 Thana -ARWAL District- -

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Tapeshwari Devi, W/O Late Umesh Chandra Singh, R/o Village- Khaira
Bigha, P.S.- Arwal, District- Arwal. Petitioner

Versus

1. The State of Bihar
 2. Jitendra Kumar @ Jeetendra Kumar, S/o Kamleshwar Singh, R/o
Village- Khapura, P.S. and District- Arwal. Opposite Parties
- =====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL ORDER

11 29-03-2017 Heard learned counsel for the petitioner, State and the

opposite party no.2.

In the instant application, the petitioner seeks
cancellation of bail of opposite party no.2, namely, Jitendra
Kumar @ Jeetendra Kumar, which was granted to him by this
Court vide order, dated 02.12.2009, passed in Cr. Rev. No. 1836
of 2009, in connection with Arwal P.S. Case No. 08 of 2007.

Allegation against opposite party no.2 was that he
fired upon Umesh Chandra Singh, causing his death.

Taking into consideration that the opposite party no.2
was juvenile and he had remained in custody for about 2 years and
4 months, he was granted bail by the aforesaid order by this Court.

Against declaration of juvenility of opposite party
no.2, the petitioner-informant filed an appeal before the Sessions



Court and the matter was remanded for fresh enquiry. On fresh enquiry, the court below declared the opposite party no.2, as an adult.

The petitioner now seeks cancellation of bail of opposite party no.2 primarily on the ground that the bail was granted to opposite party no.2 considering him to be juvenile, which ground is no more available, as opposite party no.2 has subsequently been declared to be an adult.

Taking into consideration that opposite party no.2 is on bail for more than six years, I do not find it appropriate to cancel his bail on the ground that subsequently he has been declared to be adult. However, the trial court is directed to conclude the trial of the opposite party no.2 within a period of one year from the date of receipt/production of a copy of this order. The opposite party no.2 would not physically absent himself for two consecutive dates at stretch till three witnesses are examined, failing which the bail bonds of opposite party no.2 would be cancelled.

With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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