

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47620 of 2017

Arising Out of PS. Case No.-192 Year-2015 Thana- BIBHUTIPUR District- Samastipur

Ram Kumar S/o Jagdish Mahto, R/o Village- Khadiyahi, P.S.- Bibhutipur,
District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr. SRI NAWAL KISHORE PRASAD

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 11-10-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner wants to renew his prayer of bail, which was earlier thrice rejected vide order dated 16.03.2016, 13.07.2016 and 22.03.2017 passed in Cr. Misc. No. 7036 of 2016, 27974 of 2016 and 5775 of 2017 respectively, on the ground that the petitioner is in custody since 21.09.2015, there is no other eye witness of the occurrence besides the informant, during investigation different story has emerged, co-accused Ramanand Kumar, Bikram Kumar and Ram Kishun Mahto have already been allowed bail and as such the petitioner deserves sympathetic consideration. Further up-till now only three prosecution witnesses have been examined out of 13 and all the three have turned hostile. The trial has not been concluded



within four months as directed by this Court and the petitioner was given liberty to renew his prayer of bail.

Learned APP submits that the petitioner and co-accused Sanjay Kumar assaulted near the neck and cheek.

In the facts and circumstances stated above, considering the custody of the petitioner and trial has not been concluded, the petitioner above named is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge, Rosera, Samastipur in Sessions Trial No. 691 of 2015 arising out of Bibhutipur P. S. Case No. 192 of 2015, subject to the conditions that one of the bailors must be a 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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