

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60082 of 2017

Arising Out of PS.Case No. -38 Year- 1995 Thana -BARBIGHA District- SEKHPURA

=====

Ram Karan Singh @ Ram Karan Prasad Singh S/o Late Hargobind Singh,
R/o Village- Yodhan Bigha, P.S.- Barbigha (Sheikhopur Sarai) in the
District of Sheikhpura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Advocate
Mr. Sanjeev Kumar, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 21-12-2017 Heard Mr. Jitendra Singh, learned Senior Advocate

for the petitioner and Mr. Jharkhandi Upadhyay, learned

Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Session Case No. 91 of 2001, arising out of Barbigha
(Sheikhopur Sarai) P. S. Case No. 38 of 1995 registered under
Sections 147, 148, 149, 307 and 324 of the Indian Penal Code
and 27 of the Arms Act.

Learned Senior Advocate for the petitioner
submitted that though the petitioner was named in the FIR, on
completion of investigation, he was not sent up for trial.



However, differing with the police report, the learned Magistrate took cognizance of the offence, which was challenged by the petitioner before the court of session and the session court set aside the order whereby the petitioner was summoned after taking cognizance of the offence. Subsequently, the case was committed to the court of session. In course of trial, certain witnesses were examined whereafter the prosecution filed an application under Section 319 of the Code of Criminal Procedure for summoning the petitioner as an additional accused. The said petition filed by the prosecution was rejected by the trial court. The prosecution challenged the order of the trial court before this court. While setting aside the order of the trial court, the matter was sent back for fresh consideration and orders, whereafter, vide order dated 28.03.2016, the petitioner was summoned as an additional accused. He submitted that the case was instituted in the year 1995 and after 21 years of the institution of the FIR, summoning of the petitioner on the basis of certain vague allegation that he was also present at the time of occurrence is patently bad and the order summoning the petitioner has also been challenged before this Court by filing an application under Section 482 of the Code of Criminal Procedure, which is pending.



On the other hand, learned Additional Public Prosecutor for the State submitted that as the petitioner has been summoned to face trial by the court of session, he should appear before the court and pray for regular bail.

I have heard the parties and carefully perused the record.

Considering the submissions made above, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Sheikhpura in Session Case No. 91 of 2001, arising out of Barbigha (Sheikhopur Sarai) P. S. Case No. 38 of 1995, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

Kanchan/-

U		T	
---	--	---	--

