

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46439 of 2017

Arising Out of PS.Case No. -69 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Rajesh Kumar @ Rajesh Prasad, son of Rameshwar Prasad, resident of
village - Purushottampur, P.S. Majhauliya, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 22-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **S.T. No.465 of 2017 arising out of Majhauliya P.S. Case No.69 of 2016** instituted for the offence under Section(s) 307 and other allied Sections of Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act.

Prayer of the petitioner for bail was rejected by this Court by order dated 23.02.2017 passed in Cr. Misc. No.2290 of 2017 with liberty to renew the prayer for bail after six months if no substantive progress is made in the trial.

A report was called for from the Trial Court, which has been received, wherein, it has been mentioned that Charge has been framed on 02.11.2017, but not a single witness has been examined in the case.



Counsel for the petitioner has submitted that gun was produced by one of the witness as named by the Informant in the First Information Report. Aforesaid gun was found ineffective which will appear from para 49 of the case diary.

Counsel for the petitioner has further submitted that there is no injury on the chest. Petitioner is in custody since 20.10.2016.

Case diary has been received. Injury report of the injured is available at para 47 of the case diary, wherein, doctor has found one laceration with blackening of margin on forehead and amputated little finger of left hand with blackened margin.

Payer for bail was rejected on the ground that there is specific allegation against the petitioner of causing fire arm injury to the injured.

Keeping in view the period spent by the petitioner in custody and the fact that not a single witness has been examined in the case in Court below, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of `10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge-III, West Champaran, Bettiah**, in



connection with **S.T. No.465 of 2017 arising out of Majhauliya P.S. Case No.69 of 2016**, subject to the condition that both the bailors shall be close relative of the petitioner.

Petitioner will remain physically present on each and every date of trial and will not obstruct the trial and influence the witnesses. Absence of the petitioner on two consecutive dates without any reasonable cause will amount to cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

JA/-

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

