

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5046 of 2018

Arising Out of PS.Case No. -105 Year- 1989 Thana -NASRIGANJ District- SASARAM (ROHTAS)

- =====
1. Ramjeet Singh, S/o Late Kanhaiya Singh,
 2. Godhan Singh S/o Late Nanhak Singh,
 3. Ram Sakal Singh S/o Late Kuldip Singh,
 4. Yamuna Singh @ Jamuna Singh S/o Late Mundrika Singh, All are R/o village- Khutaha, P.S.- Narsriganj, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 03.01.2018 in connection with Sessions Trial No. 236 of 1991 arising out of Nasriganj P.S. Case No. 105 of 1989 for offences punishable under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that the petitioners along with two others armed with firearms came and took away one cow and a calf worth Rs. 5000/- from the cowshed of the informant and also assaulted the informant.



It has been submitted by the learned counsel for the petitioners that initially after investigation charge-sheet was submitted only against Baban Yadav vide charge sheet no. 17 of 1991 dated 29.04.1991 but during course of trial an application was filed under Section 319 after which the petitioners were summoned. Against the order passed in the trial, summoning the petitioners, the petitioners moved this Court in Cr. Misc. No. 9293 of 1992 and the order issuing summons was stayed vide order dated 03.08.1992 but subsequently quashing application was dismissed for default on 20.08.1997 without any knowledge to the petitioners. When the petitioners came in knowledge they preferred pre-arrest bail application before the learned court below which was rejected and also rejected by this Court with a direction to surrender before the learned court below. The petitioners in pursuance to the said order have voluntarily surrendered on 03.01.2018 and are languishing in judicial custody since then. He submits that the petitioner no. 3 is aged about 90 years, petitioner no. 2 is aged about 80 years, petitioner no. 1 is aged about 66 years and petitioner no. 4 is aged about 65 years and the main accused Baban Yadav is already on bail.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners have unnecessarily



delayed the trial for such a long time.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Rohtas at Sasaram in connection with Sessions Trial No. 236 of 1991 arising out of Nasriganj P.S. Case No. 105 of 1989, subject to the condition that petitioners will appear before the learned court below each and every date till completion of trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Devendra/-

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

