

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53459 of 2018

Arising Out of PS. Case No.-212 Year-2015 Thana- KESARIA District- East Champaran

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1. Rajdeo Thakur, S/o Late Japi Thakur,
 2. Rabindra Thakur S/o Rajdeo Thakur , Both are Residents of Vill.- Chakdariya, P.S.- Keshariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh
APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 28-11-2018 The prayer for bail of the petitioner was earlier thrice rejected by the Court, the last being by this Court on 05.01.2018. The petitioner is facing trial in Sessions Trial No. 349 of 2016 arising out of Keshriya P.S. Case No. 212 of 2015 instituted for the offences under Sections 302 and other Sections of the I.P.C.

The petitioners are in custody since 31.07.2015 and in the trial, out of nine witnesses, only three witnesses have been examined till date. The report sent by the trial court regarding the case indicates that the charges were framed on 27.05.2016.



On the orders of petitioner no. 1, petitioner no. 2 is said to have given a hammer blow, resulting in the death of the deceased.

Regard being had to the period of custody of the petitioner and the tardy pace of trial, this Court directs for release of the petitioners on bail.

The petitioners above-named are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court in connection with Sessions Trial No. 349 of 2016 arising out of Keshriya P.S. Case No. 212 of 2015.

However, it is made clear that the petitioners shall participate in the trial and their absence in the trial proceedings for two consecutive dates would render the present bail order liable to be cancelled. In case, the petitioners are found to be tampering with the evidence or absenting themselves from the trial proceedings, it would be open for the trial court to initiate proceedings for cancellation of bail granted to the petitioners.



The petition is allowed with the aforesaid
observation/direction.

(Ashutosh Kumar, J)

skm/-

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