

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13841 of 2018

Arising Out of PS.Case No. -128 Year- 2014 Thana -PARSA District- SARAN

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1. Algu Singh @ Vijay Singh, S/o Jaleshwar Singh, Resident of Village-Jogani Parsa, P.S. Veldi, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer of the petitioner for grant of bail was rejected vide order dated 22.12.2017, passed in Cr. Misc. No. 27582 of 2017.

Petitioner is languishing in judicial custody since 07.05.2015 in connection with Sessions Trial No. 591 of 2017, arising out of Parsa P.S. Case No. 128 of 2014 for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he along with his family members were participating in



Durga Puja ceremony and his son Anand Kumar @ Anand Rai and his friend Rajesh Rai were out in the market, seven persons on three motorcycles fired on them and both of them succumbed during course of treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent and his name surfaced only on the confessional statement of one Munna Chaubey, which has no evidentiary value in the eye of law. He submits that co-accused Munna Chaubey has already been granted privilege of bail by this Court in Cr. Misc. No. 11413 of 2016 vide order dated 15.03.2016, charges have been framed but the trial has not yet commenced as none of the witnesses have been examined till date. He further submits that petitioner undertakes to cooperate in the trial and is languishing in judicial custody for nearly three years.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as four cases, two of similar nature, are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-11th, Saran at Chapra, in connection with Sessions Trial No. 591 of 2017, arising out of Parsa P.S. Case No. 128 of 2014, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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