

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34247 of 2018

Arising Out of PS. Case No.-228 Year-2016 Thana- ISLAMPUR District- Nalanda

Indrajeet Rajak @ Loha S/o Bakhori Rajak, R/o Vill.- Chhoti Patithana, P.S.-
Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Sri Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-07-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in connection with Sessions Trial No. 12 of 2017 arising out of Islampur P.S. Case No. 228 of 2016 dated 03.09.2016 initially instituted for the offences under Sections 341, 323, 326, 307 and 504 of the Indian Penal Code but later, with the death of the deceased after about 39 days of the occurrence, Section 302 of the IPC was added.

The petitioner is said to have given repeated *Fasuli* blows on the mother-in-law of the informant. As a result of the aforesaid assault, she was injured seriously and had to be hospitalized. As stated above, after 39 days of treatment, the deceased died. The records reveal that the deceased had 6 to 7 ante-mortem injuries which



is stated to be the cause of death.

Learned counsel for the petitioner has however submitted that the occurrence is stated to have taken place because of the suspicion in the mind of the petitioner that because of the informant, who is having some kind of an unholy association with his father, his father has abandoned all his responsibilities of maintaining his family. It is in this context that the learned counsel for the petitioner has submitted that because of the protest made by the petitioner in the past, the informant has chosen to falsely implicate him in the present case.

Be that as it may, bail has been sought on the ground that the petitioner is in custody since 04.09.2016.

In the aforesaid case, charges have been framed on 20.01.2017 and thereafter only one witness was examined sometimes in the month of May, 2017. After that, no witness has been produced by the prosecution for his examination. It is strange that after the charges were framed in the month of January 2017, there is no appreciable progress in the trial.

Regard being had to the period of custody of the petitioner, the petitioner above named is directed to be released on bail on his furnishing bail bonds in the



sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- 3rd, Hilsa, Nalanda in connection with Sessions Trial No. 12 of 2017, arising out of Islampur P.S. Case No. 228 of 2016.

It is however made clear that the petitioner would be under an obligation to participate in the trial and his absence from the trial proceedings for two consecutive dates without any plausible reason would entitle the prosecution to seek cancellation of his bail. In that event, the trial court would be at liberty to proceed ahead for cancellation of bail of the petitioner.

(Ashutosh Kumar, J)

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