

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22850 of 2018

Arising Out of PS. Case No.-216 Year-2016 Thana- DEEPNAGAR District- Nalanda

Ajit Kumar S/o Kishori Prasad, Resident of Village - Sri Ramnagar Korai,
Police Station - Deepnagar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Sharma, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner had earlier moved for bail, which was rejected vide order dated 04.10.2017 passed in Cr. Misc. No. 36989 of 2017. Petitioner is languishing in judicial custody since 23.11.2016 in connection with Sessions Trial No. 280 of 2017 arising out of Deepnagar P.S. Case No. 216 of 2016 registered for the offence punishable under Section 302 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while the buffaloes entered into the field of the petitioner, a quarrel took place in which the petitioner along with other co-accused, Jitendra Yadav fired on the informant's side, as a result,



his cousin brother, Dharmendra Yadav succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, accusation is upon two persons to have fired, but there was only one injury and the petitioner does not bear any criminal antecedent. He submits that although the petitioner is languishing in judicial custody for nearly 1 ½ years, trial has not made much progress. He undertakes to cooperate in the trial on day to day basis, if the privilege of bail is granted.

However, learned A.P.P. for the State opposes the prayer for bail.

In this regard, a report from the learned Court below was called for regarding the stage of trial, which has been received vide letter dated 04.05.2018. The report indicates that only one witness has been examined so far out of seven witnesses.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Biharsharif in connection with



Sessions Trial No. 280 of 2017 arising out of Deepnagar P.S.

Case No. 216 of 2016, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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