

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51529 of 2018

Arising Out of PS. Case No.-25 Year-2017 Thana- TARAIIYA District- Saran

Ajay Singh son of Shivnath Singh, resident of Village- Madhavpur Bara, P.S. Taraiyan, District- Saran, Chapra ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Vinod Kumar, Adv.

For the State : Mr. Md. Arif, APP 105

For the informant : Mr. Mukesh Kumar Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

4 03-10-2018 Heard the learned counsel for the petitioner, learned counsel for the informant and the learned counsel appearing for the State.

The petitioner had earlier moved for bail twice which was rejected on 25.07.2017 in Cr. Misc. No. 22386 of 2017 and on 07.02.2018 in Cr. Misc. No. 1855 of 2018. The petitioner is languishing in judicial custody since 28.02.2017 in connection with S. Tr. No. 378 of 2017 arising out of Taraiyan P.S. Case No. 25 of 2017 for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code and 25(1-b)a, 26, 27 and 35 of the Arms Act.

The prosecution case, as lodged by the informant, is that the petitioner along with other co-accused, variously armed with weapons entered into the house of the informant while some constructions were going on and started indiscriminate firing. On firing of the petitioner, the informant's brother, Manoj Singh, was hit on the head and the others also fired.



It has been submitted by the learned counsel for the petitioner that both the parties are agnates and due to small dispute the said incident occurred where there was free fight between the parties as a counter case being Taraiyan P.S. Case No. 26 of 2017 has been lodged by the petitioner's side regarding the same incident. He, further, submits that the petitioner bears no criminal history and trial of the matter has not made much headway although the petitioner is in judicial custody since more than one and half years. He, further, submits that because of property dispute the said incident is alleged to have occurred. He, further, submits that allegations are general and omni bus and some of the accused persons have been granted privilege of bail by coordinate Benches of this Court.

Learned counsel for the informant, however, submits that there is specific allegation against the petitioner of hitting one Manoj Singh on his head, which was a grievous injury

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

In this regard, a report was called for regarding the status of the sessions trial and it has been reported by the Additional Sessions Judge, XI, Saran at Chapra, vide Letter No. 251/18, dated 14.09.2018, that charges have been framed, but,



on account of non-cooperation of other co-accused, whose bail bonds have been cancelled, the trial has not made much headway.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 378 of 2017 arising out of Taraiyan P.S. Case No. 25 of 2017 to the satisfaction of the learned Additional District Judge, XI, Saran at Chapra, subject to the following conditions :

(i) 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.

(ii) 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.

(Nilu Agrawal, J)

Shamshad/-

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

