

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50166 of 2018

Arising Out of PS.Case No. -83 Year- 2016 Thana -CHANDI District- BHOJPUR

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Krishna Prasad Chaurasiya @ Lala Jee, S/o Late Rajendra Prasad Chaurasiya, Resident of Village- Akhgaon, P.S.- Sandesh, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-09-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Chandi P.S. Case No. 83 of 2016 instituted for the offence under Sections 307/34, 120B of the Indian Penal Code and Section 27 of the Arms Act.

In the written report there is allegation that on the date of occurrence, petitioner along with other co-accused Setha Prasad Chaurasiya and two unknown persons came on two Motorcycles and made indiscriminate firing upon Suman Kumar (since deceased) and fled away. Suman Kumar succumbed to gun shot injury.

Counsel for the petitioner submits that petitioner is in custody since 16.09.2016. Counsel for the petitioner further submits that there is general and omnibus allegation against the



petitioner. The prayer for bail of the petitioner was earlier rejected by coordinate Bench of this Court vide orders dated 14.02.2017 and 11.10.2017 passed in Cr. Misc. 2501 of 2017 and 48527 of 2017 respectively. Vide order dated 11.10.2017 the petitioner was given liberty to renew his prayer for bail after nine months if the trial is not concluded. Counsel for the petitioner further submits that there is land dispute between the parties.

Report was called for from the court below which has been received.

From the report it appears that case of the petitioner has not even been committed to the court of Sessions.

This Court after looking into the report of the court below is surprised that upon specific direction given by this Hon'ble Court for early disposal of the cases in which accused are in custody, the court below has not taken it seriously. The earlier order was passed in Cr. Misc. 48527 of 2017 on 11.10.2017, but after passing of about 11 months, the case has not even been committed to the Court of Session.

Petitioner is said to be in custody since 16.09.2016 and for the laches of the court below he cannot be allowed to remain in custody for indefinite period.

Considering the aforesaid facts and circumstances of



the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Chandi P.S. Case No. 83 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

The petitioner will cooperate in conclusion of the trial. He will remain present on each and every date of trial till disposal of the case. He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. In the event of default of two consecutive dates, his bail bonds will be liable to be cancelled.

Let copy of this order be communicated to Officer concerned and also kept with his ACR.

(Sanjay Priya, J)

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