

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60768 of 2018

Arising Out of PS.Case No. -20 Year- 2015 Thana -BARHAT District- JAMUI

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Parmeshwar Rai son of Nago Rai, resident of Village- Barhat, (Tola Gathwari), P.S. Barhat, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was rejected vide order dated 22.08.2017 passed in Cr. Misc. No. 32756 of 2017.

Petitioner is languishing in judicial custody since 21.04.2015 in connection with Sessions Trial No. 216 of 2015 arising out of Barhat P.S. Case No. 20 of 2015 for offences punishable under Sections 341/307 of the Indian Penal Code. But later on 302 I.P.C. has been added.

The prosecution case, as lodged by the informant, is that he got information that the petitioner who is Devar of the deceased had inflicted axe blow on his daughter Indra Devi, as a result, her neck was brutally cut and during course of treatment



she succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He further submits that there is no eye witness to the alleged occurrence even the informant was not eye witness and in his deposition before the court which has been filed by way of supplementary affidavit Annexure-3/A the informant has made no allegations against the petitioner. He further submits that although the petitioner is languishing in judicial custody since nearly three and half years but only three charge-sheeted witnesses have been examined and that trial is not likely to conclude in the near future and even a period of one year as per the liberty granted in the earlier order of rejection has elapsed.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner inflicted axe blow on his own Bhabhi for some property dispute.

In this regard, a report was called for from the court of the Additional District & Sessions Judge-II, Jamui and a report has been received by letter no. 141 dated 15.10.2018 stating therein that although charges have been framed on 09.11.2015 but three charge-sheeted witnesses have been examined and four are yet to



be examined although stated that trial could be expedited to conclude within six months.

Considering the facts and circumstances and the materials on record as well as that the trial has not made much headway as well as taking into consideration the period of custody of the petitioner, 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 Additional Sessions Judge-II, Jamui in connection with Sessions Trial No. 216 of 2015 arising out of Barhat P.S. Case No. 20 of 2015, 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.

(Nilu Agrawal, J)

Devendra/Priyanka

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