

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44475 of 2017

Arising Out of PS.Case No. -806 Year- 2015 Thana -KANKARBAGH District- PATNA

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1. Chhotu Rai, son of Tarkeshwar Rai, Resident of Mohalla Azad Path, Gali
No. 05, P.S. Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-01-2018 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 120B/34 of the Indian
Penal Code.

The petitioner is in custody since 12.02.2016.
There is allegation against the petitioner and others to have fired at
the deceased and the fire of the petitioner had actually hit the
deceased as per subsequent statement of the informant.

Earlier this Court had refused prayer for bail to
the petitioner on 07.12.2016 in Cr. Misc. No. 48089 of 2016 with
liberty to renew prayer if the trial does not progress after framing
of the charge.

Submission of the learned counsel for the



petitioner is that charge has not been framed till date.

The aforesaid submission has not been controverted by the learned counsel for the informant who appears to oppose the prayer for bail. However, his contention is that charge is not being framed due to non-cooperation of the accused persons.

Since the petitioner is in custody, there is no scope to allege that the petitioner is not cooperating in framing of charge. Considering the period already undergone and the fact that there is no chance of early conclusion of the trial, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kankarbagh Police Station Case No. 806 of 2015, subject to the condition that the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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