

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3039 of 2019

Arising Out of P.S. Case No.-91 Year-2015 Thana- BHARGAMA District- Araria

Md. Mukhtar, age 44 years, Male, Son of Late Ibrahim, Village-Baijupatti,
Ward No.4, P.S.Bhargama, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bikramdeo Singh, Advocate
	:	Mr. Kundan Kumar Singh, Advocate
For the Opposite Party/s :		Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 27-03-2019 Heard the learned counsel for the petitioner and
learned APP for the State.

Petitioner had earlier moved for bail. This is the third round of litigation. Earlier the prayer for bail of the petitioner was rejected vide order dated 31.07.2017 passed in Cr.Misc.No.27820 of 2017. Again the prayer for bail was rejected in Cr.Misc.No.8289 of 2018 dated 21.03.2018. While rejecting the prayer for bail, the learned court below was directed to expedite the trial and conclude the same within four months and petitioner was granted liberty to renew his prayer for bail, if the trial is not concluded by that time.

Petitioner is languishing in judicial custody since 22.12.2016 in connection with Sessions Trial No.215 of 2017 arising out of Bhargama P.S.Case No.91 of 2015/G.R.No.1225 of 2015 for the offence alleged under Sections 147, 148, 149,



341, 323, 324, 307, 302, 436 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as lodged by the informant is that the petitioner along with other came variously armed with weapons and fire arms and assaulted the informant's son. Specific allegation upon the petitioner is of giving fire arm injury on the chest of the deceased Md. Naim.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that although the informant was an eye witness to the occurrence but he was not examined by the police and although charges have been framed on 07.12.2017 but not a single witness has been examined.

However, learned APP for the State opposes the prayer for bail.

In this regard, a report was called for from the court of learned 2nd Additional District Judge-cum-Special Judge, Araria and a letter no.17 dated 28.01.2019 has been received stating therein that although charges have been framed on 07.12.2017 but prosecution has failed to produce any witnesses, although summons and bailable warrants have been issued against the witnesses.



Counsel for the petitioner submits that the petitioner undertakes to cooperate in the trial as and when required by the learned court below.

Considering the undertaking of the petitioner and that trial has not made much headway and not a single witness has been examined, 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 Sessions Trial No.215 of 2017 arising out of Bhargama P.S.Case No.91 of 2015/G.R.No.1225 of 2015 to the satisfaction of learned 2nd Additional Sessions Judge, Araria, 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)

B.Kr./-

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

