

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 994 of 2019

Arising Out of PS. Case No.-242 Year-2016 Thana- BODHGAYA District- Gaya

Vinay Kumar Singh, S/o Ram Sewak Singh, R/vill-Nawan Paschmi Mandai,
P.S-BodhGaya, Distt.-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate, Mr.
Saroj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 06-03-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 05.07.2016 in
connection with Bodhgaya P.S. Case No. 242 of 2016, S.Tr.
No. 21 of 2017 registered for the offence under Sections 307,
302 of the Indian Penal Code.

The prayer for bail of the present petitioner was
rejected on two occasions earlier. On the last occasion the court
had called for a report from the Court of learned A.D.J. IV, Gaya
who has reported that out of 8 charge sheeted witnesses, 4
witnesses including informant has been examined on behalf of
the prosecution and the rest are to be examined.

Learned counsel for the petitioner submits that despite



the direction for conclusion of the trial within a period of one year the same has not yet been concluded and it may take some further time. Petitioner has already been in custody for almost three years and thereso having cooperated in the trial so he will cooperate further in the trial and ensure that the trial may reach its logical conclusion.

It has been further submitted by the learned Sr. Counsel for the petitioner that the present case would not fit in the parameter as discussed under Section 302 IPC. But it would rather fall within the parameter of Section 320 and 323 IPC as admittedly, from the recitals of the FIR, it is evident that the lady who died had sustained injuries during the course of the fight between petitioner and his wife who was since admitted in the hospital. It was further pointed out that the victim lady has not taken care of herself rather chose to take care of her sister who is the wife of the present petitioner. It was only after 24 to 48 hours that she fell ill suddenly and collapsed and under such consideration it can also not be said that the petitioner had willfully assaulted the deceased lady so as to incorporate the petitioner under Section 302 IPC.

Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the State and on



consideration of facts and circumstances of the case, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-IV, Gaya, in connection with Bodhgaya P.S. Case No.242 of 2016 giving rise to S.Tr. No.21 of 2017, subject to the following conditions:

(1) One of the bailors will be his father.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4)The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Let the copy of the order sent to the concerned Trial Court so that the said trial may proceed on day to day basis and he shall ensure that the trial of the case is concluded within a



period of six months.

(Anjana Mishra, J)

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