

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9220 of 2019

Arising Out of PS. Case No.-247 Year-2015 Thana- HILSA District- Nalanda

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MISHRI RABIDAS @ MASHRI RAVIDAS S/o Ramchandra Ravidas
Resident of Village- Kajeechak, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-05-2019 Heard learned counsel for the petitioner, learned

counsel for the informant and the learned counsel appearing on

behalf of the State.

This is the third round of litigation. Petitioner had
earlier moved twice for bail which was rejected by order dated
06.10.2017 passed in Cr. Misc. No. 36813 of 2017 and Cr. Misc.
No. 24941 of 2018 dated 11.07.2018.

Petitioner is languishing in judicial custody since
18.12.2016 in connection with Sessions Trial No. 150 of 2017
arising out of Hilsa P.S. Case No. 247 of 2015, for offences
punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that while he was in his house and his elder son Hari Om
Ravidas was sleeping in a cot outside the house, the petitioner



along with four persons came, abused his son and dragged him to the house of Jairam Revi Das and strangled his son and Jairam's wife Sakaratiya Devi and thereafter torched the house on fire. It is alleged that both the deceased had love affair.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, is a man of 60 years and general and omnibus allegations has been leveled against all four co-accused including the petitioner. He submits that trial has not made much headway although on the last occasion while rejecting the prayer for bail, the trial court was directed to expedite the trial and conclude the same within six months. He submits that even thereafter extension of three months was granted to the learned court below which was allowed on 16.01.2019 and as yet trial has not yet been concluded.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that all the prosecution witnesses have been examined and the matter is fixed for examination of defence witnesses which is seriously disputed by the petitioner.

Considering the nature of allegations, the period of custody and that the petitioner is an old man of 60 years as well



as the fact that the trial has not made much headway, let the 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 the learned 3rd Additional District and Sessions Judge, Hilsa, Nalanda in connection with Sessions Trial No. 150 of 2017 arising out of Hilsa P.S. Case No. 247 of 2015, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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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