

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19565 of 2019**

Arising Out of PS. Case No.-481 Year-2017 Thana- DEHRI TOWN District- Rohtas

Bhim Kumar Singh @ Ajay Kumar Singh, Son of Yugal Singh, Resident of
Village- Katar, Police Station- Indrapuri, District- Rohtas(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Umeshanand Pandit

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 02-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 30.06.2017 in a case registered for the offences punishable under Sections 324, 307, 323, 302 and 120B of the Indian Penal Code.

The prosecution case, as per the fardbeyan of Tara Devi recorded by S.I. Arvind Kumar on 29.06.2017 at 5.45 A.M., is to the effect that on the same day at 3.00 A.M., the daughter of the informant, Mansa Kumari was sleeping in the courtyard and after hearing the sound of inkling, the informant woke up and found co-accused Rahul Kumar @ Kallu, Raja Kumar @ Mallu and Bhim Kumar Singh, the petitioner when the petitioner assaulted with knife to the daughter of the



informant and when the informant tried to save her daughter then she was also assaulted and thereafter, all the accused persons fled away, subsequently the daughter of the informant was taken to the hospital where she was declared dead.

It is submitted by learned counsel for the petitioner that the injury report suggests that lacerated injury has been found on the body of the deceased and the doctor opined the death caused by hard and blunt substance when there is accusation of causing injury with a knife. The occurrence took place in the night when there was no source of identification. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

The earlier prayer for bail of the petitioner was rejected vide order dated 07.03.2018 passed in Cr. Misc. No. 3116 of 2018 with liberty to the petitioner to renew the prayer for bail if the trial is not concluded within a period of one year.

It is submitted by learned counsel for the petitioner that out of 11 witnesses, only 6 have been examined. Moreover, co-accused Raja Kumar @ Mallu has been granted bail by a Co-ordinate Bench of this Court vide order dated 29.01.2019 passed in Cr. Misc. No. 76672 of 2018

Learned APP submits that there is specific accusation



against the petitioner and the trial is going on.

Considering the fact that the accusation not being corroborated by the medical opinion, in view of the observation by a Bench of this Court while rejecting the earlier bail application and for renewing the prayer for bail if the trial is not concluded within a period of one year, when the trial has not been concluded since five witnesses are left to be examined and two co-accused have been granted bail by Co-ordinate Bench of this Court, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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-VII, Rohtas at Sasram in connection with Sessions Trial No. 400 of 2017, arising out of Dehri (Indrapuri) P.S. Case No. 481 of 2017.

The learned trial Court will positively cancel the bail bonds of the petitioner, if the petitioner defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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