

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79066 of 2018

Arising Out of PS. Case No.-17 Year-2017 Thana- BHABHUA District- Bhabhua (Kaimur)

Laljee Bind

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner had earlier moved for bail which was rejected twice in Cr.Misc.No.29119 of 2017 dated 07.08.2017 and Cr.Misc.No.10248 of 2018 vide order dated 25.04.2018. Petitioner is languishing in judicial custody since 29.03.2017 in connection with Sessions Trial No.323 of 2017 arising out of Bhabua (Sonhan) P.S.Case No.17 of 2017 for the offence alleged under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code but later on Section 302 of the IPC has been added.

The prosecution case as lodged by the informant is that while the petitioner along with his wife assaulted the deceased husband of the informant by means of spade which resulted in serious injury and during course of treatment, the



informant's husband succumbed.

It has been submitted by the learned counsel for the petitioner that the deceased and the petitioner are full brothers and that the petitioner has no criminal history. He submits that earlier the bail was rejected in Cr.Misc.No.10248 of 2018 by directing the trial court to conclude the trial within six months by order dated 25.04.2018 and granted liberty to renew his prayer for bail after six months, if trial is not concluded by that time. He further submits that although charge has been framed on 8th December, 2017 but not a single witness has been examined although there are 11 witnesses which has been stated in para-10 of his petition.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances, period of custody and that the trial has not made much headway, 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.323 of 2017 arising out of Bhabua (Sonhan) P.S.Case No.17 of 2017 to the satisfaction of the learned Ist Additional Sessions Judge, Kaimur at Bhabua 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)

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