

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32975 of 2019

Arising Out of PS. Case No.-119 Year-2016 Thana- PUSA District- Samastipur

Umesh Rai, Son of Late Kailash Rai, R/V- Mahamada, P.S.- Pusa, Dist. -
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate

For the Opposite Party : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with S.T.
No.756 of 2017 arising out of Pusa P.S. Case No.119 of 2016
registered under Sections 341, 323, 302, 120B, 504, 447 and
506 of the Indian Penal Code.

It is contended by the learned counsel for the
petitioner that though the alleged occurrence is said to have
taken place on 10.10.2016, the informant has given his oral
statement to the police on 17.10.2016 whereafter the first
information report was instituted on 08.12.2016. There is no
explanation for the delay in recording the fardbeyan or
institution of the first information report. The petitioner is in
custody since 15.06.2017. Upon commitment, charges were



framed in 2017 itself and till date only one witness has been examined. There is no likelihood of completion of the trial in near future.

Per contra, learned counsel for the State has submitted that there is specific allegation against the petitioner that he repeatedly assaulted the wife of the informant with spade as a result of which she sustained injuries and in course of treatment, she died. He contended that since the husband of the victim was busy in treatment of the injured, the delay of nine days caused in recording of the fardbeyan would not be of any consequence.

Considering the submissions made above, the petitioner, who is in custody for about two years and witnesses in course of trial are not being examined for no fault on his part, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned F.T.C.-1st, Samastipur in connection with S.T. No.756 of 2017 arising out of Pusa P.S. Case No.119 of 2016 subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond



executed;

(b) that the petitioner shall not commit an offence similar to the offence of the present case; and

(c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J.)

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