

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50443 of 2019

Arising Out of PS. Case No.-271 Year-2014 Thana- KHAJEKALA District- Patna

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Bablu Gope @ Bablu Yadav Son of Late Kheladi Rai @ Kheladi Yadav @ Shiv Basant Yadav Resident of Village - Mitan Ghat, P.S.- Khajekalan, Distt - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Bansh Dubey
		Mr. Pramod Kumar
For the Informant	:	Mr. Makardhwaj Upadhyay
For the State	:	Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 23-10-2019 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks bail in connection with Khajekalan P.S. Case No. 271 of 2014 registered under Sections 147, 148, 149, 324, 307, 379, 302 and 120-B of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner along with five other accused persons are said to have gunned down husband of the informant intruding into his straw house. They also assaulted staff of the informant in the said straw house inflicting injury to him.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. Petitioner is



quite innocent and has no concern with the aforesaid occurrence. He has been falsely implicated in this case by the informant due to old animosity. The informant does not happen to be eyewitness of the occurrence. Staff of the informant, who was present at the place of occurrence at the time of occurrence and happens to be eyewitness of the occurrence has not named the petitioner in the occurrence and has turned hostile. Petitioner has been languishing in custody since 7.05.2016. Earlier, the bail prayer of the petitioner was rejected twice by this court directing the learned court below to conclude the trial within six months on first occasion and within five months on second occasion but, the trial has not yet been concluded despite aforesaid directions by this Court. Similarly situated co-accused, namely, Sumit Yadav has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 10.07.2019 passed in Cr. Misc. No. 19047 of 2019, hence, the petitioner may be enlarged on bail.

Learned APP for the State and learned counsel for the informant opposing the bail prayer of the petitioner submitted that the petitioner happens to be one of the assailant and he is having several criminal antecedent, hence, he does not deserve bail.



Having regard to the facts and circumstances of the case and period of custody of the petitioner and the fact that the injured, who happens to be eyewitness of the case has turned hostile and not named the petitioner in the occurrence and there is old animosity between the parties, 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 1st A.D.J., Patna City in connection with Khajekalan P.S. Case No. 271 of 2014 with condition that the petitioner shall appear before the court below on each and every date fixed in the trial and in case of default in appearance on two consecutive dates without any genuine cause to the satisfaction of learned court below, the learned court below shall have liberty to cancel his bail bonds.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within three months from the date of receipt/production of a copy of this order fixing the case on day to day basis.

(Prakash Chandra Jaiswal, J)

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