

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5007 of 2020

Arising Out of PS. Case No.-123 Year-2017 Thana- CHANDRADIP District- Jamui

RISHU KUMAR Son of Ashok Kumar @ Ashok Pandey Resident of Village-
Dhanama, P.O.- Chandradip, P.S.- Chandardip, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 09-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and
Smt. Sharda Kumari , the learned APP for the State.

The present petition has been filed by the petitioner for grant of regular bail in connection with Chandradip P.S. Case No. 123 of 2017 for the offence punishable under Sections 307, 392 and other allied sections of the Indian Penal Code and is a third attempt on behalf of the petitioner, inasmuch as the earlier petitions filed by the petitioner for grant of regular bail have not been entertained by this Court. As far as the first petition is concerned, the same was permitted to be withdrawn



with liberty to the petitioner to renew his prayer for bail after six months, by an order dated 03.07.2018 passed in Cr. Misc. No. 21161 of 2018. Thereafter, the petitioner had filed another petition bearing Cr. Misc. No. 4968 of 2019 and this Court by an order dated 10.07.2019 had declined to grant the privilege of regular bail to the petitioner herein, nonetheless liberty was granted to the petitioner to renew his prayer for bail immediately after completion of 24 months of custody.

The accusation against the petitioner is of having inflicted knife blow on the informant, resulting in cutting of the finger of the left hand and moreover, he is also alleged to have inflicted a blow on the hand. It has also been alleged that the co-accused persons including the petitioner herein had committed a loot in the house of the informant and assaulted the members of the prosecution side.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 18.12.2017. It is further submitted that the petitioner has moved this Court in terms of the liberty granted by this Court earlier vide order dated 10.07.2019 and more than two and half years have lapsed since the petitioner was taken



into custody.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials on record as also perused the report sent by the learned ACJM 1st, Jamui vide letter dated 12.02.2020 wherein it has been stated that the original case record of Chandradip P.S. Case No. 123 of 2017 has been sent to the court of learned Sessions Judge, Jamui in Cr. Revision No. 69 of 2019 and the case is pending there. Thus, it is apparent that there is no progress in the case pending before the learned court below and the petitioner has been languishing in custody since more than two and half years as also is having a clean antecedent, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above-named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10, 000/- with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Jamui in connection with Chandradep P.S. Case No. 123 of 2017.

It is needless to state that the petitioner shall appear before the learned court below on each and every date so fixed



by the learned court below and in the event of his non-appearance on two consecutive occasions before the learned court below, the present privilege of regular bail being granted to the petitioner shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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