

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15457 of 2020

Arising Out of PS. Case No.-152 Year-2014 Thana- Sherghati District- Gaya

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Tinku @ Naka Babu Son of Late Soni Chaudhary @ Sani Chaudhary
Resident of Village - Chakand Adda, Police Station - Chandauti, District -
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-06-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner who is in custody since 24.7.2016 has
filed the instant application for grant of regular bail in
connection with Sherghati (Dobhi) P.S. Case no. 152 of 2014
registered under sections 302, 201 and 34 of the Indian Penal
Code.

As per allegation in the FIR, the brother of the informant
who had gone to beg, disappeared and subsequently his dead
body was discovered in a well. A suspicion was raised by the
informant against a number of persons including the petitioner
herein.

It is submitted by learned counsel for the petitioner that
the application for bail of the petitioner was rejected vide order
dated 29.11.2016 passed in Cr. Misc. no. 48081 of 2016.
Subsequently vide order dated 13.10.2017 passed in Cr. Misc.
no. 36299 of 2017, while rejecting the bail of the petitioner a
liberty was granted to renew his prayer for bail if the trial does
not record adequate progress within 10 months. It is further



submitted that a report was called for with respect to the stage of trial which has been received. The petitioner is in custody since 24.7.2016 and there is no progress in the trial.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and on going through the report received under the signature of learned ACJM, Sub-Divisional Court, Sherghati and contained in letter no. 243 dated 18.3.2020 it transpires that the case had not been committed on the date the said letter was written. Taking into consideration the facts of the case including the liberty given in order dated 13.10.2017 together with the petitioner being in custody since 24.7.2016, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sherghati (Dobhi) P.S. Case no. 152 of 2014 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya.

(Partha Sarthy, J)

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