

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20843 of 2020

Arising Out of PS. Case No.-236 Year-2017 Thana- GARKHA District- Saran

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DILIP RAI Son of Hira Rai Resident of Village - Narayanpur, P.S.- Garkha,
Distt - Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Binod Singh, Advocate

For the Opposite Party/s : Mr.Pancha Nand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of eight
weeks.

The petitioner seeks bail in connection with Sessions
Trial No.26 of 2018 arising out of Garkha P.S. case No.236 of
2017 registered under Sections 147, 148, 149, 449, 302 and 307
of I.P.C. and Section 27 of the Arms Act and Sections ¾ of
Explosive Substance Act.

The prosecution case, in short, is that the accused
persons having entered the house of the informant, threw bomb
and made firing, as a result of which, three persons died at the
spot.



The earlier bail application of the petitioner was rejected vide Annexure 1 to the present application taking into account that three persons are said to have died in course of occurrence.

This is the second attempt for grant of bail filed on behalf of the petitioner.

A report was called for from the Trial Court. It has been reported that out of nine prosecution witnesses, eight prosecution witnesses have already been examined.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.06.2017. He has remained in custody for more than four years and there is no chance of the trial being concluded in near future. As per the allegation, it is general and omnibus. The offence is said to have taken place in the mid night. No source of identification has been disclosed by the prosecution. Hence the identification of the accused persons itself is doubtful. Other co-accused persons have been granted bail vide Annexure 3 series to the present application.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, be released on bail on furnishing



bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge X, Saran at Chapra in connection with Sessions Trial No.26 of 2018 arising out of Garkha P.S. case No.236 of 2017.

The petitioner shall be present in the trial court on each and every date. If the trial court feels that the petitioner is not co-operating in the trial, the trial court itself is at liberty to cancel the bail bond of the petitioner.

(Sudhir Singh, J)

Narendra/-

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