

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32113 of 2021**

Arising Out of PS. Case No.-29 Year-2018 Thana- TANKUPPA District- Gaya

PINTU MATHUR @ PINTU KUMAR @ JAI PRAKASH PRASAD Son of
Baleshwar Resident of Chobar, Police Station - Tankuppa, District - Gaya,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Dhaneshwar Vashist
For the Opposite Party/s	:	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 147, 148, 149, 302 and 307 of the
Indian Penal Code.

The earlier bail application of the petitioner was
rejected vide Annexure-1 to the present application taking into
account that as per the F.I.R., the petitioner is said to have given
a single farsa blow and subsequently, the deceased succumbed
to the injury.

A report was called for from the Trial Court. It has
been reported that out of 10 prosecution witnesses, five
prosecution witnesses have already been examined in this case.



A supplementary affidavit has been filed on behalf of the petitioner enclosing the deposition of the prosecution witnesses including the informant and the wife of the deceased. All the five prosecution witnesses, who have been examined, have been declared hostile.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.09.2018. There is no chance of trial being concluded in near future. It has further been submitted that the alleged occurrence is said to have taken place at 1 a.m. in the night and the source of identification of the accused in the night has not been disclosed by the prosecution. Hence, the identification of the petitioner by the informant as stated in the F.I.R. itself appears to be doubtful.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV, Gaya in connection with S.T. No. 42 of 2019 (S.J.)/13 of 2019 arising out of Tankuppa P.S. Case No. 29 of 2018. The petitioner will appear on each and every date as fixed by the Trial Court. If the petitioner fails to appear in the Court below on two consecutive



dates, the Trial Court will be at liberty to cancel the bail bonds
of the petitioner.

(Sudhir Singh, J)

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