

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42564 of 2021

Arising Out of PS. Case No.-284 Year-2019 Thana- BARHIYA District- Lakhisarai

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Karu Singh @ Dhananjay Kumar, male, aged about 28 years, S/o Balmiki Singh @ Bachcha Singh, R/o Village- Barahiya Tola, Ward No. 07, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 01-12-2021 Heard Mr. Om Prakash Maharaj, the learned Advocate for the petitioner and Mr. Ram Priya Sharan Singh, the learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No. 47 of 2020 arising out of Barahiya P.S. Case No. 284 of 2019, dated 06.11.2019, instituted for the offences under Sections 307, 379 and 447 of the Indian Penal Code. After the death of the deceased, Section 302 of



the I.P.C. was also added.

The prayer for bail of the petitioner was earlier rejected *vide* order dated 02.12.2020 passed in Cr. Misc. No. 25973 of 2020. While rejecting the application for bail, this Court had directed the Trial Court to conclude the trial without any delay and had also directed the petitioner to approach the Trial Court for grant of bail, in case there was no substantial progress in the trial within the next six months.

This Court had called for a report about the stage of the case from the Court below, which has been received and kept at Flag-R.

The report indicates that charge in this case was framed on 15.04.2021 and since then no witness has been examined in the case, though steps have been taken for procuring their attendance.

The petitioner is said to have assaulted the deceased by means of a dagger because of her not returning the accommodation loan.

The learned counsel for the petitioner has



submitted that he is in custody since 25.11.2019. He has further submitted that apart from the husband and the son of the deceased, nobody has taken the name of the petitioner. It has also been submitted that the petitioner has been named by the husband and the son of the deceased because of his being inimical to the family of the informant.

Considering the aforestated facts including the period of custody of the petitioner and that there is no possibility of the trial being concluded in near future, he/Karu Singh @ Dhananjay Kumar is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge, Lakhisarai in connection with Sessions Trial No. 47 of 2020 arising out of Barahiya P.S. Case No. 284 of 2019.

However, the petitioner is cautioned that if he does not appear in the trial on each and every date, the bail granted to him shall be rendered liable to be cancelled. If the petitioner is found to be absent from the trial



proceedings on two consecutive occasions, without obtaining the leave of the Court or for any plausible cause, the investigating officer of this case shall make an application before the Trial Court for cancellation of his bail. And in that event, the Trial Court shall proceed forthwith in the matter.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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