

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36373 of 2020

Arising Out of PS. Case No.-82 Year-2013 Thana- RISIYAP District- Aurangabad

Kanhaiya Singh son of Late Jagdip Jagdip Singh Resident of Village Dudhar
Nathu Nagar P.S. Risiup District Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 15-03-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Risiup PS Case No. 82 of 2013, S.Tr. No. 163 of 2016/387 of 2018 registered under Section 302 of the IPC and Section 27 of the Arms Act.

Earlier his prayer for bail has been rejected twice; once on 4.4.2016 in Cr. Misc. No. 13213 of 2016 and thereafter on 8.3.2017 in Cr. Misc. No. 52769 of 2016.

The informant had gone to ease himself in the morning when he claims to have seen the petitioner firing upon his father from back.

Learned Counsel for the petitioner submits that out of twenty-four charge-sheet witnesses only ten have been examined till date. The fact of fifteen charge-sheet witnesses remaining to be examined is also borne from the report dated 2.3.2021 received from the Court of Additional District & Sessions Judge, III, Aurangabad



pursuant to earlier orders of this Court. The petitioner is stated to be in custody since 4.12.2015.

Learned Counsel for the petitioner has also placed on record the deposition of the Investigating Officer before the Court. It is submitted that in view of this statement recorded subsequent to last rejection of his prayer for bail it is evident that the IO has stated that based on deposition of several witnesses it appears that the petitioner has falsely been implicated.

Learned APP has opposed the prayer for bail.

In view of the aforesaid circumstances, coupled with the fact that his custody now is for more than five years, this Court is inclined to allow the prayer for bail on behalf of the petitioner.

Let 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 Additional Sessions Judge, IInd, Aurangabad Risiup PS Case No. 82 of 2013, S.Tr. No. 163 of 2016/387 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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