

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10954 of 2021

Arising Out of PS. Case No.-9 Year-2017 Thana- AMBA District- Aurangabad

Krishna Prajapati Son Of Chanarik Prajapati R/O- Village Narhar Amba Tola
Kumhar Bigha Ps Amba District Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh- Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 28-07-2021 Heard Mr. Vikram Deo Singh, the learned Advocate

for the petitioner and Mr. Kanhaiya Kishore, the learned APP for

the State.

The petitioner seeks bail in connection with Sessions
Trial No.399 of 2017/ 21 of 2018 arising out of Amba P. S. Case
No.09 of 2017, instituted for the offences under Sections 147,
148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal
Code.

The prayer for bail of the petitioner was earlier
rejected on a number of occasions. However, on 28.11.2018,
this Court, on taking note of the fact that the petitioner has been
languishing in custody since 28.01.2017, directed for an early
disposal of the case. While saying so, the Court had taken note
and accounted that only one witness was left to be examined at
that time.



The learned Advocate for the petitioner has today submitted that the examination of all the witnesses are complete but no judgment has been given in this case as counter-case is still being tried by the same Court.

This Court had also directed that in case trial is not concluded with a particular period, the petitioner would have the liberty to approach the trial Court for grant of bail. The petitioner had approached the trial Court for grant of bail but his prayer was refused on the afore-noted ground of counter-case still being tried.

The learned Advocate for the petitioner has also drawn the attention of this Court to the fact that the petitioner also had received serious injuries in the occurrence and was arrested from the hospital.

Since all the witnesses in this case have been examined, then if the petitioner is released on bail during the pendency of the trial, he would not be in a position to tamper with the evidence.

Regard being had to the afore-stated facts and taking into account that the petitioner has remained in custody since 28.01.2017, the petitioner, above-named, 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 Additional Sessions Judge-IV, Aurangabad in connection with Sessions Trial No.399 of 2017/ 21 of 2018 arising out of Amba P. S. Case No.09 of 2017.

While accepting the bail bonds of the petitioner, the Trial Court shall insist for one of the sureties to be a close relative of the petitioner. Both, petitioner and one of the sureties shall also furnish an undertaking that they shall not create any impediment in the conclusion of the counter-case. The petitioner shall, before leaving the territorial confines of the District in which the trial Court is situated, without the permission of the learned Trial Court. The petitioner shall get his presence marked before the Officer-in-Charge of the concerned Police Station on every second Saturday of the month.

Any breach in the conditions so imposed shall render his bail liable to be cancelled.

The application stands allowed.

(Ashutosh Kumar, J)

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