

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62616 of 2022

Arising Out of PS. Case No.-245 Year-2011 Thana- CHAKIA District- East Champaran

UMESH RAI Son of Late Nathuni Rai Resident of Village- Ashwani
Baujariya, P.S.- Kathaiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K.Agrawal, Sr. Adv. Mr. Prashant Kumar, Adv. Mr. Manaur Alam, Adv.
For the Opposite Party/s :	Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-11-2022 Heard learned Senior counsel for the petitioner and
learned APP for the State.

The petitioner has renewed his prayer for grant of
bail in a case registered under sections 302, 120B and 34 of the
Indian Penal Code, section 27 of the Arms Act and sections 3
and 4 of the Explosive Substance Act.

The earlier application for bail of the petitioner was
rejected vide order dated 15.2.2022 passed in Cr. Misc.
no.44444 of 2021.

As per the prosecution case, three accused persons are
said to have come on a motorcycle and as a result of the bomb
exploded by two of them, the husband and the son of the
informant were injured. There was also sound of firing. The son
and the daughter-in-law of the informant died.



It is submitted by learned Senior counsel for the petitioner that the F.I.R. was registered against unknown and the name of the petitioner transpired in course of investigation. He was identified on the basis of the sketch map drawn by an expert. He is in custody since 26.11.2020 and undertakes to cooperate in the trial. It is finally submitted that not a single witness has been examined in the learned trial court and thus there is no chance of the trial concluding in the near future.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the manner of identification of the petitioner together with the petitioner having remained in custody since 26.11.2020 ie for more than 1 year and no witness having been examined in the learned trial court, the Court directs the petitioner to be enlarged on bail in connection with Chakia P.S. Case no.245 of 2011 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional District Judge, Motihari, East Champaran.

(Partha Sarthy, J)

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