

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5513 of 2015

Arising Out of PS.Case No. -122 Year- 2013 Thana -KURTHA District- JEHANABAD

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Suraj Kumar @ Surya @ Suraj @ Parmendra Kumar, Son of Bipat Thakur,
resident of village - Kapiya P.S.- Alipur, District - Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mrs. Usha Kumari Singh, Advocate

Mr. Jitendra Kumar Roy, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-02-2015

The prayer for bail of the petitioner was earlier rejected
by this Court on 21st January, 2014 in Cr. Misc. No. 2786 of 2014
with following observations:-

“The learned Chief Judicial Magistrate, Jehanabad
is directed to expedite the trial of Kurtha P.S. Case
No. 122 of 2013 and conclude the same as early as
possible and preferably within a period of seven
months from the date of receipt/production of a
copy of this order, failing which the petitioner
would be entitled to renew his prayer for bail.”

Since the earlier order dated 21st January, 2014 was
not communicated to the court below, the second application for
bail of the petitioner was also rejected on 24.09.2014 in Cr. Misc.
No. 35966 of 2014.



It has been contended that the order dated 21.01.2014 was sent to the Court below through Fax on 11th November, 2014 and the same was received in the Court below on 14th November, 2014. Even before that, the order dated 24.09.2014 passed in Cr. Misc. No. 35966 of 2014 was received in the Court below on 30th September, 2014 and, thereafter, on 14th October, 2014 charge was framed against the petitioner under Section 394 of the Indian Penal Code. Till date not even a single witness has been examined on behalf of the prosecution.

Regard being had to the facts and circumstances of the case, the petitioner, who is in custody since 22nd November, 2013, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Kurtha P.S. Case No. 122 of 2013 subject to the following conditions that :-

- (a) The petitioner shall not influence the witnesses or tamper with any document;
- (b) At the time of furnishing the sureties, the petitioner shall furnish his address to the Court and shall not change his address till the final disposal of the case or till further orders in that regard;
- (c) the petitioner shall not directly or indirectly

make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;

(d) the petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this Court for cancellation of bail.

(e) One of the sureties must be a Government servant/elected people's representative of Panchayat/ Municipality; and the other one shall be a close relative.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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