

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 19369 of 2015

Arising Out of PS.Case No. -184 Year- 2013 Thana -NAUBATPUR District- PATNA

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Om Prakash Chautala @ Boudha Son of late Ramashish Yadav resident of
Village- Mahadev Asthan, Naubatpur, P.S.-Naubatpur, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. S.N.Shukla (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 29-04-2015 Heard Sri Diwakar Prasad Singh, learned counsel for
the petitioner and Sri S.N.Shukla, learned Addl. Public Prosecutor.

This is the 2nd attempt for grant of bail.

It was submitted by learned counsel for the petitioner
that there is no allegation against the petitioner regarding any
overt act, save & except the fact that it was alleged in the F.I.R.
that the petitioner was one of the order giver.

In normal case, I would not have entertained the
petition considering the fact that earlier prayer for bail of this
petitioner has been rejected by this Court. However, learned
counsel for the petitioner submits that even allegation of order
giver has not been corroborated during the trial. He submits that
till date altogether five prosecution witnesses have been examined,
however; they have not corroborated the allegation against the
petitioner and as such, he submits that this is the changed

circumstance warranting grant of bail. Learned counsel for the petitioner has tried to persuade the Court to examine the deposition of witnesses, which has been brought on record, as Annexure – 3 ‘series’.

In view of the facts & circumstances, the Court is of the opinion that the petitioner can be directed to be released on bail.

Accordingly, let the petitioner namely Om Prakash Chautala @ Boudha be enlarged on bail on furnishing bail bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge at Danapur under District Patna in connection with Sessions Trial No. 1394 of 2013 (arising out of Naubatpur P.S. Case No. 184 of 2013) on condition that (i) one of the bailor must be blood relation of the petitioner and (ii) on each and every date during trial the petitioner shall remain physically present. If continuously on two dates the petitioner fails to appear before the trial court, without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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