

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2740 of 2015

Arising Out of PS.Case No. -8 Year- 1989 Thana -SUPAUL District- SUPAUL

- =====
1. Yogendra Mukhiya Son of Late Jhingur Mukhiya
2. Ramphal Mukhiya S/O Late Kushumlal Mukhiya Both are residents of
village-Dewaka,P.S-Nauhatta,Distt.-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Binod Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 04-03-2015 Heard learned counsel for the petitioner and the State.

This is a case of misuse of privilege of bail.

Petitioners are seeking bail in Supaul P.S.Case No.8
of 1989 registered u/s 399/402 IPC and 25(i)(a)/26/35 of Arms
Act.

Earlier petitioners were granted bail and thereafter
from 1992 they remained absconding and later on were arrested by
Police. Petitioner no.1 is in jail since 12.8.2013 and petitioner no.2
since 15.4.2014.

Looking to the period of custody, petitioners
Yogendra Mukhiya and Ramphal Mukhiya are directed to be
released on bail on their furnishing bail bond of Rs.10,000/- (ten
thousand) each with two sureties of the like amount each to the

satisfaction of Addl. Sessions Judge, Supaul in S.Tr. No. 177 of 2014 (Supaul P.S.Case No.8 of 1989), with the conditions that:

(i) one of the bailors will be wife/son of the petitioners,

(ii) if the petitioners would be found involved in similar type of case in future, prosecution will be at liberty to file application for cancellation of bail and the court below will pass necessary order, including cancellation of their bail bonds and

(iii) that the petitioners would co-operate in the proceeding and if the petitioners will fail to co-operate in the proceeding of the court below and will remain absent for two consecutive dates without reasonable explanation, the court below will pass appropriate order, including cancellation of bail bonds.

The court below is directed to conclude the trial on day-to-day basis.

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(Shivaji Pandey, J)