

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31311 of 2015**

Arising Out of PS. Case No. -40 Year- 2014 Thana -KASBA District- PURNIA

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Rabin Mandal @ Rabin @ Rabindra Mandal Son of Laxman Mandal, R/o  
Village - Lalhariya, P.S. - Kasba, District - Purnea.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.  
Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Uday Pratap Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

4 16-12-2015

Heard the parties.

The prayer for bail of the petitioner was earlier rejected by an order dated 22.09.2014 passed in Cr. Misc. No. 23171 of 2014 (Annexure-1) with an observation that if the trial of the petitioner is not concluded within a period of nine months from the date of framing of charge, then the petitioner shall be at liberty to renew his prayer for bail.

The learned Senior counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 20.03.2014. He further submits that charge was framed against the petitioner on 27.08.2014, but his trial has not been concluded till date. He next submits that the informant, who is the victim, was examined by the learned trial court, but she has not supported the prosecution case and was consequently declared hostile.

The learned Additional Public Prosecutor appearing on behalf of the State though has opposed the prayer for bail of the petitioner, but has not disputed the aforesaid submissions.

In the aforesaid facts and circumstances of the case particularly taking into consideration the period of incarceration,

the prayer for bail is allowed. The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea in connection with Kasba P.S. Case No. 40 of 2014 (G.R. No. 1122 of 2014), subject to the conditions that:

- (A) Both the bailors shall be the parents of the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

**(Birendra Prasad Verma, J)**

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