

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 46696 of 2014

In

Criminal Miscellaneous No. 20655 of 2010

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Ghuran Sah Son of Sri Thag Sah resident of village- Harpurwa, P.S.-
Jogapatti, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate

For the Opposite Party/s : Mr. P.N.Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-01-2015

Heard the parties.

The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for modification of the order dated 27.10.2010 passed in Cr.Misc.No. 20655 of 2010 by this Bench whereby the petitioner was granted bail with certain conditions indicated in that order in connection with Ram Nagar P.S.Case No. 140 of 2006 registered under Section 364A of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that while granting bail to the petitioner in the aforesaid criminal case by order dated 27.10.2010, one of the conditions imposed by this Bench was that “one of the bailors must be government servant” but till date no government servant has shown his willingness to stand as surety/bailor of the petitioner. It is pointed out that wrong P.S.Case Number has also been recorded in the aforesaid order dated 27.10.2010. It is highlighted that in the above mentioned circumstances, the petitioner is still languishing in jail and has not been released on bail despite the

order dated 27.10.2010 passed by this Bench.

In the aforesaid facts and circumstances, order dated 27.10.2010 passed in Cr.Misc.No. 20655 of 2010 by this Bench is modified only to the extent that condition no.(A) “one of the bailors must be government servant” is substituted by the condition that “one of the bailors must be father of the petitioner and other bailor shall be his family member”. The aforesaid order dated 27.10.2010 shall be treated to have been passed in connection with Ram Nagar P.S.Case No. 140 of 2006 dated 21.06.2006. The learned counsel for the petitioner has submitted that now the case has been committed to the court of Sessions and is pending before the trial court. Hence, the petitioner shall be released on bail in the light of aforesaid order dated 27.10.2010 passed in Cr.Misc.No. 20655 of 2010, as modified by the present order to the satisfaction of the learned trial court.

The present application stands allowed to the extent indicated above.

(Birendra Prasad Verma, J)

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