

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38974 of 2014

Arising out of P.S. Case No. -446 Year- 2013 Thana -
MUFFASIL District- WESTCHAMPARAN(BETTIAH)

Sanjay Mahto S/o Singhashan Mahto Resident of Village AND
P.O. Barwat Parsayeen, Police Station Bettiah Mufassil,
District West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.PP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

02. 30.01.2015

Heard learned counsel for the Petitioner and the
State.

The Petitioner seeks bail in a case instituted for
the offences under Sections 302 and 201/34 of the Indian
Penal Code and Section 3(2)(V) of the SC/ST (PoA) Act.

Considering that apart from confessional
statement of the co-accused there is no positive material
against the Petitioner who has fair antecedents, let him be
released on bail on furnishing bail bond of Rs. 5,000/-
(Five Thousand) with two sureties of the like amount each
or any other surety as fixed by the Court to the
satisfaction of 1st Additional Sessions Judge-cum-Special
Judge, West Champaran at Bettiah in connection with
S.Tr. No. 17 of 2014 arising out of Bettiah Mufassil P.S.
Case No. 446 of 2013 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner and the other bailor shall be the father of the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner. (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is he shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse. (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse. (v) That the Petitioner will be physically present on each date of trial and if he fails to do so on two consecutive dates without reasonable cause, his bail shall stand automatically cancelled.

The Trial Court is directed to expedite the trial and for which reason it shall send a list of the witnesses **fixing specific dates** for production of the witnesses

along with a copy of this order, to the Superintendent of Police, West Champaran at Bettiah and the Superintendent of Police, West Champaran at Bettiah is directed to ensure production of the witnesses on the date so fixed by the Trial Court so that there is no further delay in trial.



(Anjana Prakash, J.)

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