

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45910 of 2015

Arising Out of PS.Case No. -20 Year- 2007 Thana -KASIMBAZAR District- MUNGER

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Kanhai Sao @ Kanhai Sah @ Kanhaiya Sah @ Kanhaiya Sao, Son of Late
Kokai Sah @ Baldeo Sah, resident of Mohalla - Betwan Bazar, Argarha
Road, P.S. Kasim Bazar, District - Munger.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 09-12-2015 Heard Sri Ajit Kumar Singh, learned counsel for the

petitioner and Sri Madan Kumar, learned Addl. Public Prosecutor.

This is second attempt for grant of bail on behalf of the
petitioner. Earlier, the prayer for bail of this petitioner was
rejected on 04.02.2015 vide Cr.Misc.No.44707 of 2014. In this
case, earlier a report was called for from the court below regarding
stage of the case, which was received. Since there was some
confusion, the District & Sessions Judge, Munger was again
directed to personally examine the record and send fresh report,
which has also been received and kept at **Flag-B**. The report
shows that there were six witnesses in the chargesheet and out of
six, two witnesses have already been examined. Last witness was
examined on 14.11.2014. The report is dated 20.11.2015. Meaning

thereby that even after lapse of one year, the prosecution had not produced any witness after examination of the last witness.

Learned counsel for the petitioner submits that the petitioner is in custody in separated trial vide Sessions Trial No.781(A) of 2013. So far as one of the co-accused, who was tried vide Sessions Trial No.781 of 2013 is concerned, an order of acquittal has been passed by the learned Addl. Sessions Judge-III on 21st July, 2015. A copy of an order has been brought on record as Annexure-5 to the supplementary affidavit. Accordingly, it was submitted by learned counsel for the petitioner that in view of changed circumstances, the petitioner deserves to be released on bail.

Keeping in view the fact that even after lapse of one year, no any further witness has been examined by the prosecution as well as the fact that one of the co-accused has been acquitted in Sessions Trial No.781 of 2013, the Court is of the opinion that it is a fit case for extending the privilege to the present petitioner. Let the petitioner, namely, Kanhai Sao @ Kanhai Sah @ Kanhaiya Sah @ Kanhaiya Sao be released 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 Additional Sessions Judge-III, Munger in connection with Sessions Trial No.781(A)/2013 arising

out of Kasim Bazar P.S. Case No.20/2007 on conditions that (i) one of the bailors must be blood relation of the petitioner and (ii) on each and every date, the petitioner shall remain physically present before the trial court. If continuously on two dates he fails to appear without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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