

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9079 of 2015

Arising Out of PS.Case No. -171 Year- 2013 Thana -RAMKRISHNANAGAR District- PATNA

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Harkesh Kumar @ Malha @ Harikesh Kumar S/o Late Rampukar Yadav,
resident of village- Chakiya, P.S. Paliganj, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Adv.

For the State : Mr. Bhanu Pratap Singh, (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 07-10-2015

Heard learned Counsel for the petitioner and the State.

The petitioner was refused bail by the order dated
26.9.2014 passed in Cr. Misc. 36363 of 2014.

Perused the report of the Judicial Magistrate, 1st Class,
Patna, from which it appears that the bail bond of two of the
accused persons has been cancelled and, hence, the Trial is not
proceeding.

Considering that the Petitioner shall give an
undertaking that he shall be physically present on each date of
trial, and in view of such undertaking, let the petitioner above
named, 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 to be fixed by the court concerned to the satisfaction

of Judicial Magistrate, 1st Class, Patna, in connection with Ram Krishna Nagar P.S. Case No. 171 of 2013, subject to the 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 shall be the brother-in-law of the Petitioner, namely, Binod Singh. 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 be physically present on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

S.Ali/-

(Anjana Prakash, J)

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