

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36265 of 2015

Arising Out of PS.Case No. -7 Year- 2014 Thana -VALMIKINAGAR District-
WESTCHAMPARAN(BETTIAH)

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Prem Kushwaha Son of Lakhraj Kushwaha resident of village - Nawka Tola
Bhariyani, P.S. Valmikinagar, District - West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-08-2015

Heard.

The prayer for bail of the petitioner was earlier rejected by order dated 10.04.2015 passed in Cr. Misc. No. 46854 of 2014 with an observation that he shall be at liberty to renew his prayer for bail on completion of one year in judicial custody.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 16.07.2014 and has already completed more than one year in judicial custody. It is further submitted that even charge has not been framed against the petitioner and, therefore, there is no possibility of the trial of the petitioner being concluded in a near future.

Be that as it may, taking into consideration the observations made in order dated 10.04.2014 and further taking into consideration the fact that he is in judicial custody for more than one year, 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 A.C.J.M., Bagaha, West Champaran, in

connection with Valmikinagar P.S. Case No. 07 of 2014, subject to the conditions that:

- (A) One of the bailors shall be any of his parents,
- (B) Other bailor shall be his close family member,
- (C) 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 opportunity of hearing to all concerned and
- (D) 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 fail 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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