

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40829 of 2015

Arising Out of PS.Case No. -471 Year- 2002 Thana -KOTWALI District- MUNGER

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1. Rajesh Yadav @ Khanna son of Ramdeo Yadav resident of village Shankarpur, P.S. Muffasil.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 09-12-2015 Heard the learned counsel for the petitioner and Mr.

M. Dayal APP for the State.

He seeks bail in Kotwali P.S. case no. 471 of 2002 registered under Sections 302 and 120B of the IPC registered against unknown.

On 27.8.2003, he was granted bail by this Court. It has been submitted that the petitioner thereafter continued to appear before the Court upto 2008. On 13.11.2008 an application under Section 317 of the Cr.P.C was filed on his behalf. The Court in seisin of the case rejected the said application and cancelled the bail bonds of the petitioner. On 25.5.2015, he was arrested and since then he is lodged in jail custody. While he was in custody an application for provisional bail was filed in this

Court vide Cr. Misc. no. 29454 of 2015. Considering the facts of the case, he was directed to be provisionally released for a period of five days. It is stated that upon expiry of the period of provisional bail, the petitioner surrendered and since then he is in custody.

A status report was called for from the Court which is placed at Flag-‘Y’. On perusal, it appears that the case has been committed to the Court of session on 23.2.2015 and is at the stage of appearance of the accused. Two accused cited in the FIR have not appeared although warrant of arrest and process have been issued for their appearance.

Considering the facts and circumstances of the case, This Court, while declining the relief, dispose of this application by observing the trial Court in seisin of the Sessions Trial no. 68 of 2015 may proceed and frame charge against the petitioner and other accuseds before the Court on or before 30th April, 2016, failing which the trial Court shall release the petitioner, named above, on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Munger, in connection with Sessions case no. 68 of 2015, arising out of Kotwali P.S. case no. 471 of 2002 subject to the following two conditions:-



- (i) One of the bailors shall be the own/close family members of the petitioner.
- (ii) The petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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