

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44269 of 2014

Arising Out of PS.Case No. -156 Year- 2012 Thana -GARDANIBAGH District- PATNA

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Anand Mistry, son of Tapeswar Mistry, resident of village- Kothya, Police
Station- Didarganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party/s : Mr. Atul Chandra(APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 18-02-2015 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Gardanibagh
P.S. Case No.156 of 2012 registered under Section 392 of the
Indian Penal Code.

Learned counsel appearing on behalf of the petitioner
submits that earlier the prayer of the petitioner for bail was rejected
by this Court vide order dated 11.02.2014 passed in Criminal Misc.
No.19682 of 2013, which would appear from Annexure-‘1’ to this
application. The only allegation against the petitioner is that the
theft motorcycle is said to be recovered from the house of the
petitioner and not from his conscious possession. The petitioner in

the present case is in custody since 29.09.2012 but till date trial of the petitioner has not been commenced.

The report as called for vide order dated 17.12.2014 regarding the present stage of trial of Gardanibagh P.S. Case No.156 of 2012 from the court of the Chief Judicial Magistrate, Patna, has been received from the court of Ashutosh Khetan, Judicial Magistrate, First Class, Patna, vide letter no.12 dated 16.01.2015, which shows that the record of the case is still running for appearance of one accused Sunil Kumar and for not supply of police paper and due to non appearance of accused Sunil Kumar, his bail bond was cancelled on 06.12.2013.

Having regard to the facts and the circumstances of the case and considering the period of the petitioner in custody, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, in connection with Gardanibagh P.S. Case No.156 of 2012. Out of the two sureties, one must be either parents or close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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