

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.463 of 2015

Arising Out of PS.Case No. -15 Year- 2013 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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1. Shatrughan Yadav Son of Anandi Yadav Resident of village -
Mishraulia, P.S. Chiraiya, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Veena Kumari Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 04-09-2015

Seen the report dated 01.08.2015.

Petitioner is accused in a case registered under section 393 of the Indian Penal Code and earlier his prayer for bail was rejected by a Bench of this Court vide order dated 08.05.2014 passed in Cri. Misc. No. 4999 of 2014 on the ground that petitioner has made misleading assertion in paragraph three of the petition.

Further it appears from the record that this court vide order dated 08.01.2015 directed the trial court to send the list of witnesses fixing the expected date for their examination along with copy of the said order to the Superintendent of Motihari who was directed to ensure the attendance of witnesses on the date fixed by the trial court. The report of the learned trial court reveals that in compliance of the order dated 08.01.2015 the trial court send list of witnesses fixing the date of examination of prosecution witnesses to Superintendent of Police East Champapran Motihari

vide his letter dated 20.06.2015 but the report of the Superintendent of Police Motihari reveals that out of seven proposed prosecution witnesses only three prosecution witnesses could be examined as yet and still the case is pending for recording the evidence of four prosecution witnesses.

Admittedly petitioner is not named in the first information report but it has been mentioned in the written report of the informant that culprits were taking the name of the petitioner. Moreover except confessional statement there is nothing against the petitioner.

Considering the aforesaid facts and circumstances let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of S.D.J.M, Sikarhana at Motihari in Pakri Dayal P.S. Case no. 15 of 2013 subject to the condition that he shall appear in the trial court in person on each and every date fixed or till conclusion of trial and if he fails to attend the two consecutive dates, the trial court shall be at liberty to cancel the bail bonds of the petitioner after making proper inquiry.

(Hemant Kumar Srivastava, J)

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