

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13421 of 2015

Arising Out of PS.Case No. -101 Year- 2012 Thana -SONO District- JAMUI

=====

Pappu Singh S/o late Prayag Singh resident of Village- Kebali, P.S- Sono,
District- jamui..

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr.Advocate
Mr. Parmanand Pd. Nr. Sahi, Advocate

For the State : Mr. Hirday Prasad Singh, APP

For the informant : Mr. Pankaj Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 24-06-2015

Heard.

The prayer for bail of the petitioner with respect to a criminal prosecution registered under Sections 307/34 and some other allied offences of the Indian Penal Code as also under Section 27 of the Arms Act was rejected earlier by order dated 21.05.2014 passed in Cr.Misc.No. 5937 of 2014 (Annexure-1) with observation that if the trial is not concluded within a period of nine months, then he shall be at liberty to renew his prayer for bail.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 14.12.2013 and though charge was framed against him on 06.09.2014, the trial has not been concluded till date. Therefore, according to him, in view of the observation of this Court, the petitioner is entitled to be released on bail.

Learned counsel appearing on behalf of the State and learned counsel appearing on behalf of the informant have opposed the prayer and have submitted that the petitioner has

threatened the witnesses, therefore, if the petitioner is released on bail, he may tamper with the prosecution evidence.

Be that as it may, taking into consideration the period of incarceration and further taking into consideration the observation made by this Court by order dated 21.05.2014 (Annexure-1), the prayer for bail of the petitioner is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Jamui in Sessions Trial No. 232 of 2014 arising out of Sono P.S.Case No. 101 of 2012, subject to the following conditions:

(A) one of the bailors shall be a government servant,

(B) other bailor shall be either wife or full brother of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(C) if the petitioner tampers with the prosecution evidence or makes any attempt to tamper with the prosecution evidence by hurling threats to the prosecution witnesses, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below shall be at liberty to cancel his bail bonds in accordance with law, after giving an opportunity of hearing to him,

(D) 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 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

(E) 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 fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--