

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3018 of 2015

Arising Out of PS.Case No. -14 Year- 2011 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Mithilesh Rai S/O Late Shiv Balak Rai Resident of vill/Mohalla-
Raghopur,P.S-Jurawanpur,Distt.-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr.Thakur with Mr.Nilesh Kr.

For the Opposite Party/s : Mr. B.Ram(App)

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 25-03-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Bidupur P.S.
Case No. 14 of 2011, registered under sections 309, 402,414 of the
Indian Penal Code and section 25(1-a), 26 and 35 of the Arms Act.

Earlier, the prayer for bail of the petitioner was allowed
on merits by a Bench of this Court on 4th August, 2011 in Criminal
Miscellaneous. No. 24301 of 2011. However, the State of Bihar
filed an application under section 439(2) of the Code of Criminal
Procedure for cancellation of bail granted to the petitioner-vide
Criminal Miscellaneous No. 31981 of 2012 on the ground that



after being released on bail, the petitioner was made accused in yet another case of Juravanpur P.S. Case No. 61 of 2012 . In that application for cancellation of bail, the petitioner was noticed and despite service of notice, he failed to appear before the court, as a result of which the bail granted by the court was cancelled-vide order dated 5-2-2014. The petitioner surrendered thereafter before the learned Magistrate on 22nd March, 2014 and was remanded to the judicial custody. He moved for bail once again before this Court in Criminal Miscellaneous No. 24486 of 2014, but the same was rejected by me-vide order dated 22nd July, 2014.

The petitioner has renewed his prayer for bail on the ground that the connected case i.e., Juravanpur P.S. Case No. 61 of 2012, in which the petitioner was subsequently made accused, after grant of bail in the present case, has already ended into acquittal, and in this case till date four witnesses, out of nine witnesses, have been examined and they all have not supported the prosecution case and they have all failed to identify the petitioner in court. It has also been submitted that by now the petitioner has remained in custody for over one year and six months.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the facts and circumstances of the

case, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-2nd, Vaishali at Hazipur, in connection with Sessions Trial No. 92 of 2013 arising out of Bidupur P.S.Case No. 14 of 2011 on the following conditions:-

(a) The petitioner shall not influence the witnesses or tamper with any document;

(b) At the time of furnishing the sureties, the petitioner shall furnish his address to the Court and shall not change his address till the final disposal of the case or till further orders in that regard;

(c) The petitioner shall not do any act prejudicial to the interest of the prosecution;

(d) The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this Court for cancellation of bail;

(e) One of the sureties must be a Government servant/elected people's representative of Panchayat/Municipality, and the other one shall be a close relative.

(Ashwani Kumar Singh, J)

B.Roy/-

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