

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18826 of 2015

Arising Out of PS.Case No. -22 Year- 1992 Thana -SUGAULI District- EAST CHAMPARAN
(MOTIHARI)

Bhukhal Rai, Son of Late Sipahi Rai, resident of village- Kurum Tola, P.S.-
Sugauli, District- East Champaran. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Sanjay Kr. Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 24-06-2015

The petitioner seeks bail in connection with Sugauli
P.S. Case No. 22 of 1992 registered for the offence punishable
under Sections 147, 149, 323, 447, 427, 307 of the Indian Penal
Code as also 4 & 5 of the Explosive Substances Act.

It is a case of misuse of privilege of bail. The case is
of the year 1992. The petitioner left pairvi since 26th September,
2011 and in course of time, he was declared absconder. He was
arrested on 29th April, 2014 and since then he is in jail. The
petitioner had moved earlier for bail before this Court which was
dismissed vide order dated 26.01.2014 passed in Cr. Misc. No.
42587 of 2014. In the aforesaid order dated 26.11.2014 an

observation was made that the petitioner would be at liberty to renew his prayer for bail after framing of charge.

It had been contended that though the petitioner is in custody since 29th April, 2014, his case has not been committed to the Court of Sessions for trial. Taking into consideration the submission made by learned counsel for the petitioner, a report was called for from the court of Judicial Magistrate vide order dated 29.04.2015 as to why the case of the petitioner has not been committed to the Court of Sessions for trial. The learned Judicial Magistrate-1st Class, Motihari, East Champaran has sent his report dated 7.5.2015 to this Court in which he has stated that since the case diary is not available on record and despite repeated orders passed by the Court, the investigating agency has failed to submit a copy of the case diary, the case of the petitioner could not be committed.

Be that as it may, regard being had to the facts and circumstances of the case, the 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 the learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Sugauli P.S. Case No. 22 of 1992 (Trial No. 7660 of 2014) subject to the following conditions

that:-

- (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 leave the limits of India without prior permission of the trial Court;
- (d) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
- (e) the petitioner shall not do any act prejudicial to the interest of the prosecution;
- (f) the petitioner shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to him by the Court;
- (g) 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.

- (h) 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.)

Sanjeet/-

U		T	
---	--	---	--