

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 50803 of 2015

Arising Out of PS.Case No. -2051 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Kamal Kumar Das S/o Late Chandradeo Das, Resident of Village –
Matiyarkala, P.S. Sahiyara, District – Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar
2. Yugeshwar Baitha, S/o Late Ramdeo Baitha, At – Matiyar Kala, P.S. –
Sahiyara, District – Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary-1(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 10-11-2015 Heard Sri Devendra Kumar, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The petitioner, who is in custody in Complaint Case
no. C-1/2051 of 2012, Trial No. 2839 of 2015, has prayed for
grant of bail.

Learned counsel for the petitioner submits that earlier
a complaint was filed by the complainant, which was referred to
the police and the case was registered under the provisions of
Section 156(3) of the Cr.P.C. for offence under Sections 302,
120(B) & 149 of the Indian Penal Code, however; during
investigation, the accusation was not found true and as such, final
report was submitted. Since in the case, a protect petition was
filed, the learned court below treated the protest petition as

complaint and thereafter, the present case was instituted.

In view of the facts and circumstances, particularly; the fact that during first investigation, police had exonerated the petitioner, the Court is of the opinion that it is a fit case for extending the privilege of bail.

Let the petitioner namely Kamal Kumar Das be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of Sri A.K.Gupta, learned A.D.J.-II, Sitamarhi/concerned court in connection with Complaint Case No. C-1/2051/2012 (Trial No. 2839 of 2015) on condition that one of the bailor must be blood relation of the petitioner and secondly, on each and every date during trial before the court below the petitioner shall remain physically present. If continuously on two dates the petitioner fails to appear before the trial court, without prior permission of the trial court, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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