

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40612 of 2015

Arising Out of PS.Case No. -2 Year- 2014 Thana -DARIYAPUR District- SARAN

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Sunil Kumar Mahato @ Sunil Mahto, S/o Rajendra Mahto Resident of
Village - Naya Gaon, Dumri (Dumari Bujurg), P.S. - Naya Gaon, Dist -
Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-12-2015

Heard the parties.

The prayer for bail of the petitioner was earlier rejected by an order dated 25.09.2014 passed in Cr.Misc.No.23390 of 2014 vide Annexure-1 with an observation that if the trial of the petitioner is not concluded within a period of six months from the date of framing of charge, then he shall be at liberty to renew his prayer for bail.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 19.01.2014 and the charges have been framed against him on 09.01.2015, yet till date not a single witness has been examined.

The learned Addl. P.P. appearing on behalf of the State, though has opposed the prayer for bail, but, after going through the record, he has not been able to dispute the aforesaid submissions.

In the aforesaid facts and circumstances, the prayer for bail made on behalf of the petitioner is allowed. The petitioner

above named is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned A.D.J.-8th, Saran at Chapra in connection with S.Tr.No.617 of 2014 arising out of Dariyapur P.S. Case No.2 of 2014, subject to the conditions that:

- (a) Both the bailors shall be parents of the petitioner,
- (b) 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;
- (c) 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 date, 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)

Arvind/-

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