

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15737 of 2015

Arising Out of PS.Case No. -75 Year- 2013 Thana -BANIAPUR District- SARAN

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Lal Mohan Singh S/o Late Binda Singh Resident of Village + PO -
Narhapur, PS - Marhaura, District - Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. SBK Manglam, Advocate
Ms. Anita Kumari, Advocate
Ms. Kumari Ranjana Bharti, Advocate
For the State : Mr. Hirday Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 24-06-2015

Heard.

The prayer for bail made on behalf of the petitioner in a criminal prosecution registered under Sections 395 and 397 of the Indian Penal Code was rejected earlier by order dated 19.05.2014 passed in Cr.Misc.No.9568 of 2014 (Annexure-1) with following observations:

“If without any fault on the part of the petitioner, the trial of the petitioner is not concluded within the aforesaid period of nine months, then the petitioner shall be at liberty to renew his prayer for bail.”

Learned counsel appearing on behalf of the petitioner submits that the petitioner is neither named in the first information report nor any incriminating article was recovered either from the house or from possession of the petitioner. It is further pointed out that the petitioner was put on test identification parade, but was not identified by any witness and the petitioner is in judicial custody since 05.07.2013.

Mr. Hirday Prasad Singh, learned APP appearing on

behalf of the State though has opposed the prayer for bail, but has not been able to dispute the aforesaid submissions.

In the given facts of the case as also in view of the report submitted by the learned trial court in compliance of the order dated 15.04.2015, 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 Ist Additional Sessions Judge, Chapra in connection with Sessions Trial No. 20 of 2014 arising out of Baniapur P.S.Case No. 75 of 2013, subject to the following conditions:

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

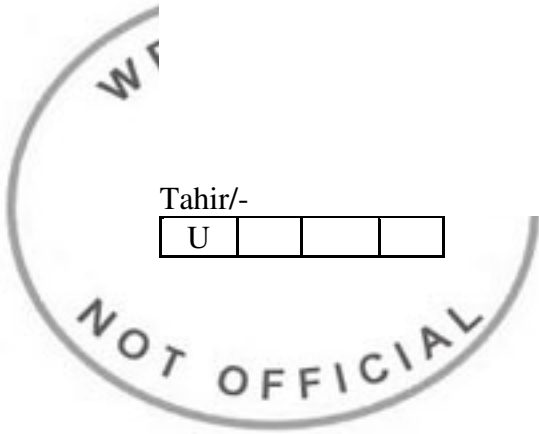
(B) other bailor shall be either wife or full brother of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(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)