

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34796 of 2015

Arising Out of PS.Case No. -172 Year- 2012 Thana -JAKKANPUR District- PATNA

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1. Mukesh Kumar @ Mukesh Paswan S/o Ravindra Paswan Resident of
village- Samaspur Jafrabad, P.S. Fatuha, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Opposite Party/s : Mr. Uday Chandra Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-08-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Sessions
Trial No.1023 of 2012 arising out of Jakkanpur P.S. Case No. 172
of 2012 registered for the offences punishable under sections 398
of the Indian Penal Code and 27 of the Arms Act.

The prayer for bail of the petitioner was earlier
rejected vide order dated 19th March, 2014 passed in Cr.Misc. No.
47658 of 2013 with following observations :-

“However, learned Ad hoc Additional Sessions
Judge- II, Patna, before whom Sessions Trial No.
1023 of 2012 is pending, is directed to proceed
with the trial on day to day basis and conclude the
same as early as possible preferably within one
year from the date of receipt/production of a copy
of this order, failing which the petitioner would
be at liberty to renew his prayer for bail in the
court below itself.”

It is contended that in compliance with the order dated 19.03.2014 the petitioner moved for bail before the trial court. However, the trial court rejected the prayer for bail once again vide order dated 15.06.2015.

From perusal of the order passed by the trial court, it would be evident that till date only two witnesses could be examined on behalf of the prosecution and both the witnesses examined on behalf of the prosecution have been declared as hostile at the request of the prosecution.

Regard being had to the facts and circumstances of the case, the petitioner Mukesh Kumar @ Mukesh Paswan is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- IV, Patna in connection with Sessions Trial No.1023 of 2012 arising out of Jakkanpur P.S. Case No. 172 of 2012.

(Ashwani Kumar Singh, J)

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