

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27412 of 2012

Arising Out of PS.Case No. -82 Year- 2010 Thana Tribeniganj District- SUPAUL

- =====
1. Renu Devi, W/O Harendra Kumar Mehta, Resident Of Village- Mirjawa, Police Station- Tribeniganj, District- Supaul.
 2. Renu Kumari @ Ranju Devi, W/O Kundan Kumar Mehta, Resident Of Village- Mirjawa, Police Station- Tribeniganj, District- Supaul.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Bhola Bharti, son of late Sita Ram Mandal, r/o village Mirjawa, P.S. Tribeniganj, Distt. Supaul

.... Opposite Party/s

with

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Criminal Miscellaneous No. 36495 of 2012

Arising Out of PS.Case No. -82 Year- 2010 Thana Tribeniganj District- SUPAUL

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Sonelal Kamat, S/O Late Aklu Kamat, The Mukhiya, Gram Panchayat Raj Mirjanea, R/O Village- Mirjawa, P.S.- Tribeniganj, Distt.- Supaul.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No. 27412 of 2012)

For the Petitioner/s : Mr. Naresh Kumar Mehta, Adv.

For the State : Mr. Anil Kumar A.P.P.

For the Opposite Party No. 2 : Mr. Amrit Abhijat, Adv.

Mr. Manoj Kumar Gupta, Adv.

(In Cr.Misc. No. 36495 of 2012)

For the Petitioner/s : Mr. Naresh Kumar Mehta, Adv.

For the State : Mr. H.A. Khan, A.P.P.

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CORAM: HONOURABLE JUSTIC SMT. ANJANA PRAKASH

ORAL JUDGMENT Date: 03-04-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated

10.4.2012 by which the Additional Sessions Judge, II, Supaul has cancelled the bail bonds of the Petitioner in Misc. Case No. 01 of 2011 in connection with Tribeniganj P.S. Case No. 82 of 2010.

Facts of the case are that the Petitioners in their bail applications had purportedly assessed a report with regard to genuineness of their school certificates. When the Informant learnt of the same he filed an application stating therein that the report was false. An enquiry was then held in the matter and it was found that the report was fake and, hence the bail bonds of the Petitioners were cancelled.

No doubt, the Petitioners should not have produced fake certificates in their support but once they were released on bail, their bail bonds should have been cancelled only under exceptional circumstances, when the Petitioners had misused the privilege of bail,

Considering that the Petitioners and Mukhiya are ladies and are attending the Trial, I am inclined to take a liberal view of the matter. Hence, the order dated 10.4.2012 passed by the Additional Sessions Judge, II, Supaul in connection with Tribeniganj P.S. Case No. 82 of 2010 is hereby set aside.

The Petitioners are directed to be released on fresh bail bonds on furnishing bail bonds of Rs.5,000/-(Five thousand) each with two sureties of the like amount each or any other surety to be

fixed by the court concerned to the satisfaction of Additional Sessions Judge-II, Supaul, in connection with Tribeniganj P.S. Case No. 82 of 2010, subject to the conditions, (i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners. (ii) That the Petitioners will be physically present on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

The Trial Court is directed to conclude the Trial expeditiously without granting unnecessary adjournment to any Party for which reason, he is directed to send a list of the witnesses **fixing specific dates** for production of the witnesses along with a copy of this order in connection with Tribeniganj P.S. Case No. 82 of 2010, to the Superintendent of Police, Supaul, and the Superintendent of Police, Supaul, is directed to ensure production of the witnesses on the date so fixed by the Trial Court so that there is no further delay in trial.

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(Anjana Prakash, J)

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