

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5092 of 2016

Arising Out of PS.Case No. -4 Year- 2013 Thana -DANIYAWA District- PATNA

Krishan Deo Prasad, Son of Late Chandeshwar Prasad, Resident of village -
Jagatpur, Police Station -Chandi, District - Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 02-03-2016

By way of the present application preferred under Section 439 and 440 of the Code of Criminal Procedure, the petitioner seeks bail in connection with Sessions Trial No.762 of 2013 registered under Sections 489-A, 489-B, 489-C, 420 read with 34 of the Indian Penal Code.

2. The prayer for bail of the petitioner was earlier rejected thrice by this Court vide orders dated 09.10.2013, 27.06. 2014 and 11.03.2015 passed in Cr. Misc. No. 20855 of 2013, Cr. Misc. No. 13860 of 2014 and Cr. Misc. No. 8555 of 2015 respectively.

3. It is contended that while rejecting the



applications for bail though this Court had earlier directed the court below to expedite the trial and conclude the same as early as possible, the prosecution has failed to examine any witness till date. It is further contended that a co-accused Shashi Kumar @ Binda have more or less identical allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.07.2013 passed in Cr. Misc. No. 23342 of 2013.

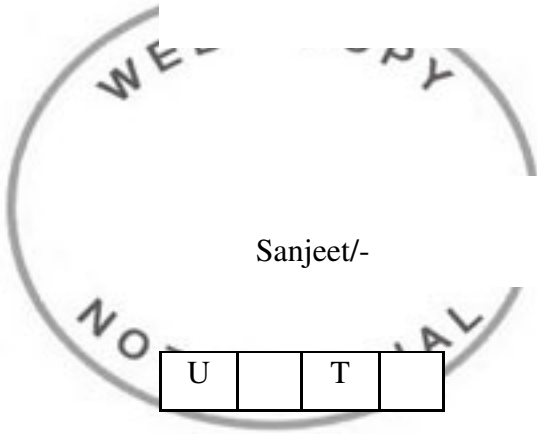
4. By order dated 18.02.2016, this Court had called for a report from the learned Additional Sessions Judge-1st, Patna City as to why the order dated 11.03.2015 passed in Cr. Misc. No. 8555 of 2015 has not been complied with. The report dated 24th February, 2016 submitted by the trial court would indicate that despite steps taken by it, the prosecution has failed to produce any witness before the Court.

5. Regard being had to the undue delay caused in production of witnesses, the petitioner, who is in custody since 20.01.2013 as an under-trial prisoner, 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-1st, Patna City, Patna in connection with Sessions Trial No. 762 of 2013 arising out of Daniyawar P.S. Case No. 4 of 2013 subject to the

following conditions that:-

- (a) The petitioner shall not influence the witnesses or tamper with any document;
- (b) At the time of furnishing the sureties, the petitioner shall furnish his address to the Court and shall not change his address till the final disposal of the case or till further orders in that regard;
- (c) the petitioner shall not leave the limits of India without prior permission of the trial Court;
- (d) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
- (e) the petitioner shall not do any act prejudicial to the interest of the prosecution;
- (f) the petitioner shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to him by the Court;
- (g) the petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this Court for cancellation of bail; and
- (h) One of the sureties must be a Government servant/elected people's representative of Panchayat/ Municipality; and the other one shall

be a close relative.



(Ashwani Kumar Singh, J.)