

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4096 of 2015

Arising Out of PS.Case No. -224 Year- 2010 Thana -KANKARBAGH District- PATNA

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Shambhu @ Shital Jee @ Sudhir Jee @ Lambu Jee @ Netajee @ Sunil Kumar @ Sunil Jee Son of Late Bhuneswar Prasad, Resident of Village - Maholi Bujurg, P.S. - Kasaya, District - Kushi Nagar (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

06/ 11-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 414, 387 of the Indian Penal Code, 17 of the Criminal Law Amendment Act and Sections 15, 16 and 17 of Unlawful Activities (Prevention) Act. The petitioner is languishing in custody since 13.06.2010.

From the possession of the petitioner, 7,015,00/0 rupees cash, three Nokia Mobile, four Sim cards of Airtel and the Naxal literature were recovered.

It is submitted by learned counsel for the

petitioner that no arms were recovered and recovery is of general nature. It is further submitted that earlier order reflects that the petitioner is suffering from kidney problem. The petitioner is involved in several cases but the supplementary affidavit has been filed that he has been granted bail in all the cases.

The petitioner was granted provisional bail vide order dated 24.11.2010 passed in Cr. Misc. No. 41659 of 2010 on the ground of kidney ailment but he do not surrender and ultimately arrested in another case after three months of the expiry of the provisional bail.

This Court vide order 02.03.2016 directed S.S.P., Patna to transmit a report as under what circumstances the witnesses are not produced and the time frame within which all the witnesses shall be produced. The report of the S.S.P., Patna dated 30.04.2016 is on record which suggests that out of nine witnesses one has been examined and with regard to the rest no time frame for their production has been given which suggests the callous manner of the prosecution in criminal cases.

In view of the fact that the present application is pending before this Court since 29.04.2015 and in spite of several directions prosecution could not produce any witness, this Court is constrained to order for the release of the

petitioner on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Patna in connection with Sessions Trial No. 1075 of 2011 arising out of Kankarbagh P.S. Case No. 224 of 2010.

One of the bailors will be Government Servant and the other will be mother or the brother of the petitioner.

The learned court below will positively cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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