

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20375 of 2016

Arising Out of PS.Case No. -236 Year- 2008 Thana -MUNGER MUFFASIL District- MUNGER

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1. Tiwary Yadav Son of Late Tarani Yadav
2. Subodh Yadav Son of Late Chulhu Yadav
3. Jay Kant Yadav Son of Late Baleshwar Yadav. All resident of village -
karari Tola Taufir, Police Station Mufassil, District – Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Narayan Sinha

For the Opposite Party/s : Mr. Indu Bala Panday (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 09-05-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the

offences punishable under Section 302 and other minor sections of

the Indian Penal Code and Section 27 of the Arms Act.

Petitioners were granted privilege of bail by a co-
ordinate Bench of this Court vide order dated 08.10.2010 passed
in Cr. Misc. No. 30098 of 2010 but certain conditions were
imposed upon the petitioners and petitioners were asked by this
court to attend the trial on each and every date in person and even
for a single day of their absence would automatically entail the
consequences of cancellation of their bail.



It would appear from perusal of the impugned order that petitioners failed to appear before the trial court on one single day resulting cancellation of their bail bonds in the light of direction given by this court vide order dated 08.10.2010 passed in Cr. Misc. No. 30098 of 2010. However, after cancellation of bail bonds, the petitioners surrendered before the court below on 30.03.2016.

It would appear that the case of the petitioners was committed to the court of Sessions in the year 2010 and furthermore, it is obvious that they were granted privilege of bail by a co-ordinate bench of this court with the above stated condition in the year 2010. Therefore, the aforesaid fact goes to show that petitioners were attending the trial court for near about six years but up till now, the court below could not succeed to conclude the trial of the petitioners.

No doubt, this court directed the petitioners to attend the trial court in person on each and every date till conclusion of the trial but the aforesaid condition was imposed by this court under impression that the trial of the petitioners would be concluded within a short span of time and at the time of giving the aforesaid direction, this court had never thought that the trial court will stretch the trial of the petitioners for such a long period.

However, considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Munger in connection with Sessions Trial No. 793 of 2010 arising out of Muffasil P.S. Case No. 236 of 2008.

The trial court is directed to expedite the trial of the petitioners and try to conclude the same as early as possible, even by taking the trial of the petitioners on day to day basis.

(Hemant Kumar Srivastava, J)

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