

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20498 of 2016

Arising Out of PS.Case No. -48 Year- 2013 Thana -OBRA District- AURANGABAD

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Banshi Choudhary, Son of Ramu Choudhary, resident of Village- Jamuhara
Tola Rampura, P.s. Obra, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 11-05-2016 Heard Mr. Bachan Jee Ojha, the counsel for the
petitioner.

No one appears on behalf of State.

This repeat application seeks grant of bail in Obra P.S.
Case No. 48 of 2013, registered under Section 341, 323, 324,
504, 307 of the Indian Penal Code, but later 302 of the Indian
Penal Code was added.

The prayer for bail was earlier considered and rejected
on 14.05.2015 (Annexure-1). The Court observed that if the trial
of the case is not taken up within six (06) months from the date
of receipt/production of a copy of this order, the petitioner will
be at liberty to move for bail.

In view of the aforesaid liberty, the petitioner moved for
bail before the Trial Court which was rejected by the learned 1st

Additional Sessions Judge, Aurangabad, observing therein that all prosecution witnesses except I/O and Doctor have been examined. Steps have been taken to ensure their attendance for evidence. It is stated that the petitioner is in custody since 06.04.2013.

Considering the facts and circumstances of the case, this Court while declining the prayer for grant of bail, dispose of the application by the following orders:

Let the Trial Court shall endeavour and examine remaining prosecution witness(es) within three (03) months from the date of receipt/production of a copy of this order, failing which the Trial Court shall release the above named petitioner on bail furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st, Aurangabad in Obra P.S. Case No. 48 of 2013 on condition that one of the bailors shall be his own/close family member. The petitioner shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Kishore Kumar Mandal, J)

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