

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39344 of 2015

Arising Out of PS.Case No. -10 Year- 2004 Thana -NAWADA MUFFASIL District- NAWADA

1. Chhotu Kumar @ Chuchu, Son of Late Maheshwar Mandal, Resident of Village- Musrigharari, P.S.- Serairanjan, District- Samastipur, at present Resident of Mohalla- Mithapur Farm, P.S. Jakkanpur, P.O.- G.P.O., District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Singh(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

6 13-01-2016 Heard the Counsel for the petitioner and the APP for the State.

Petitioner prays for bail in connection with Sessions Trial No. 361 of 2004 (arising out of Nawada Mufassil P.S. Case No. 10 of 2004 registered under Section 395 of the Indian Penal Code).

The petitioner was granted bail by this Court earlier on 17.3.2005 vide Annexure-1. The Trial Court cancelled the bail bond of the petitioner on 5.6.2007. Subsequently, this Court again granted the petitioner bail on 15.9.2009 vide Annexure-2. On 25.11.2013, the Trial Court again cancelled the bail bond of the petitioner for the reasons assigned therein. Nearly 18 months thereafter, he surrendered on 2.7.2015. The prayer for bail having

been rejected by the Trial Court, the petitioner has approached for grant of bail.

I have perused the status report which was called for and sent to this Court placed at "A". It appears that alongwith the petitioner, another co-accused is also facing trial who is absconding. Trial of the petitioner has been separated. Steps have been taken for production of witnesses.

Considering the facts and circumstances of the case, this Court, while declining the prayer made in this application, disposes of the application by the following order:-

Let the Trial Court endeavour and examine all material/prosecution witnesses within five months from the date of receipt/production of a copy of this order failing which the petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any

cogent/satisfactory reason, the Trial Court shall have liberty to
cancel the bail bond of the petitioner and secure his arrest in
accordance with law.

Pankaj/Rohit

(Kishore Kumar Mandal, J)

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