

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42339 of 2015

Arising Out of PS.Case No. -592 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

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Shambhu Nath Verma @ Shambhu Nath Swarnakar son of Late Sideshwar Prasad Verma, resident of village Chauck Bazar, P.S.Silao, District Nalanda (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.48193 of 2015

Arising Out of PS.Case No. -592 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

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Bimla Devi W/o Sanjay Paswan, R/o village Pawai, P.S.Meskaur, District Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.42339 of 2015)

For the Petitioner/s : Mr.Rama Kant Sharma, Sr.Advocate
Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Anil Pd.Singh, APP

(In Cr.Misc. No.48193 of 2015)

For the Petitioner/s : Mr.N.K.Agrawal, Sr.Advocate
Mr. Vishal Saurabh, Advdocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-01-2016

Since both the aforesaid bail applications arise out of a common police station case, they have been heard together and are being disposed of by this common order.

The prayer for bail made on behalf of the petitioners of both the applications with respect to a criminal prosecution under Sections 395, 412 and 120B of the Indian Penal Code was earlier rejected by a common order dated 27.05.2015 passed in Cr.Misc.No. 13034 of 2015 along with Cr.Misc.No. 15655 of

2015 with an observation that if the trial of the petitioners does not progress and is not concluded within a reasonable period, then the petitioners shall be at liberty to renew their prayer for bail.

In Cr.Misc.No. 48193 of 2015, by order dated 09.12.2015 a report was called for from the trial court about the status of the trial. In compliance of the aforesaid order, a report dated 21.12.2015 has been submitted. From perusal of the aforesaid report it appears that even charges have not been framed against the accused- petitioners.

Learned senior counsel appearing on behalf of the petitioners in both the applications submit that both of them are not named in the first information report as accused and they have not been put on test identification parade. It has further been highlighted by them that the petitioner Shambhu Nath Verma alias Shambhu Nath Swarnakar is in judicial custody since 08.01.2015 whereas petitioner Bimla Devi is in judicial custody since 09.03.2015. It is also pointed out that some other co-accused persons, in the meanwhile, having almost identical allegations have been granted bail by different Benches of this Court and one of the orders has been brought on record as Annexure-6 with Cr.Misc.No. 42339 of 2015.

Learned Addl.P.P. appearing on behalf of the State of Bihar in both the applications, though have opposed the prayer for bail made on behalf of the petitioners, but have not disputed the submissions made on behalf of the petitioners.

In the aforesaid facts and circumstances, the prayer for bail of both the petitioners is allowed. The petitioner Shambhu Nath Verma alias Shambhu Nath Swarnakar (Cr.Misc.No. 42339 of 2015) and the petitioner Bimla Devi (Cr.Misc.No. 48193 of 2015) are directed to be released on bail on their furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two

sureties of the like amount each to the satisfaction of Sri B.B.Singh, learned 1st Additional Sessions Judge, Bhojpur, Ara in connection with Sessions Trial No. 170 of 2015 arising out of Ara Nawada P.S.Case No. 592 of 2014, subject to the following further conditions:

(A) one of the bailors of both the petitioners shall be government servants and other bailors shall be either family members or close relations of both the petitioners, who shall file affidavits in the court below showing their relationships with the particular petitioner,

(B) if the petitioners tamper with the prosecution evidence or make any attempt to tamper with the prosecution evidence by hurling threats to the prosecution witnesses, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below shall be at liberty to cancel their bail bonds in accordance with law and after giving an opportunity of hearing to them,

(C) if the petitioners are found involved in same and similar nature of cases in future, then in that case, the informant/ prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and

(D) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in persons or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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