

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46209 of 2015

Arising Out of PS.Case No. -207 Year- 2010 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

Suresh Sahani @ Suresh Chaudhary Son of Late Adya Chaudhary Resident
of Village - Baikunthwa, Police Station - Nautan, District - West
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mrs. Pronati Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-01-2016

Heard the parties.

The prayer for bail of the petitioner with respect to a criminal prosecution registered under Sections 307/34 and some other allied offences of the Indian Penal Code as also under Section 3/4 of the Prevention of Witch Craft Practices Act, 1999 was earlier rejected by order dated 02.08.2014 passed in Cr. Misc. No. 22503 of 2014 with an observation that if the trial of the petitioner is not concluded within a period of one year from the date of receipt/production of a copy of the said order, then he shall be at liberty to renew his prayer for bail.

Learned counsel appearing on behalf of the petitioner submits that after the aforesaid order dated 02.08.2014, more than 17 months have already elapsed, but the trial of the petitioner has not been concluded till date, though he is in judicial custody all along.

In the aforesaid facts and circumstances, the prayer for bail is allowed. The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 25,000/- with two

sureties of the like amount each to the satisfaction of the learned 5th Additional Sessions Judge, West Champaran at Bettiah in Sessions Trial No. 96 of 2013 arising out of Nautan P.S. Case No. 207 of 2010, subject to the further conditions that:

- (A) One of the bailors shall be government servant,
- (B) Other bailor shall be the wife or mother of the petitioner,
- (C) if the petitioner is 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 the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

BTiwary/-

U		T	
---	--	---	--