

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1359 of 2016

Arising Out of PS.Case No. -207 Year- 2012 Thana -SAKRA District- MUZAFFARPUR

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Laxmi Pandit son of Ravi Pandit, resident of village - Jaran, P.S. - Bochaha,
District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Arun Kr. Panday, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 13-04-2016

Heard the parties.

The prayer for bail made on behalf of the petitioner in a criminal prosecution registered under Section 302 of the Indian Penal Code was rejected earlier by order dated 02.08.2014 passed in Cr.Misc.No. 22281 of 2014 (Annexure-1) with an observation that if the trial of the petitioner is not concluded within a period of one year from the date of framing of charge, then he shall be at liberty to renew his prayer for bail.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 17.01.2014 and charge against him was framed on 12.09.2014, yet the trial of the petitioner has not been concluded till date and only two prosecution witnesses have been examined so far.

The learned Addl.P.P. appearing on behalf of the State by referring to the report submitted by the learned trial court in response to the order dated 27.01.2016 does not dispute the aforesaid submissions.

In the aforesaid facts and circumstances of the case, particularly taking into consideration the period of incarceration

of the petitioner and further taking into consideration the fact that despite framing of charge against the petitioner on 12.09.2014, the trial of the petitioner has not been concluded till date, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail.

let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 559 of 2014 arising out of Sakara P.S.Case No. 207 of 2012, subject to the following conditions that:

- (A) one of the bailors must be a government servant.
- (B) other bailor must be a family member or close relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with 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 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 an 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 bond of the petitioner.

(Birendra Prasad Verma, J)

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