

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23110 of 2016

Arising Out of PS.Case No. -106 Year- 2013 Thana -MADANPURA District- AURANGABAD

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1. Dhananjay Bhuiyan Son of Sri Kripal Bhuiyan
 2. Amresh Bhuiyan, son of Sri Ram Chandra Bhuiyan
 3. Kamesh Bhuiyan @ Kamlesh Bhuiyan, Son of Late Moti Bhuiyan all are resident of village- Badam, P.S.- Madanpur, District- Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 03-08-2016 This is the third attempt of the petitioners to seek bail in Madanpur P.S. Case No. 106 of 2013 registered under Section 364 and 302/34 of the Indian Penal Code.

Considering the allegation, their prayer for bail was first rejected on 24.09.2014 with liberty to move the court below for bail after seven months if the trial does not record satisfactory progress. In the light of the said liberty they renewed prayer for bail in this Court vide Cr. Misc. No. 41886 of 2015. The said application was disposed of on 07.10.2015, observing that the Trial Court shall endeavour to examine the remaining prosecution witnesses within six months failing which the petitioners shall have liberty to renew their prayer for bail in the court below. The petitioners renewed their prayer for bail before

the Trial Court and on refusal have filed the present bail application for grant of bail.

Status Report was called for in this regard is placed at 'A'. It appears that till date six witnesses have been examined at the trial and few more witnesses are yet to be examined. It has been pointed out that the petitioners are languishing in jail since 03.07.2013.

Considering the facts and circumstances of the case, this Court while declining the relief, disposes of the bail application by the following order:-

- (i) Let the Trial Court endeavour to examine the remaining prosecution witnesses within four months from the date of receipt/production of a copy of this order failing which the petitioner(s) shall be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Addl Sessions Judge VI, Aurangabad in Madanpur P.S. Case No. 106 of 2013.
- (ii) One of the bailors shall be his/their own/close family member.
- (iii) The petitioners shall appear in person 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 their bail bonds.

(Kishore Kumar Mandal, J)

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