

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16426 of 2016

Arising Out of PS.Case No. -79 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

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Sanjay Patel @ Vijay Patel @ Vijay Mahto @ Ajad @ Assi @ Sanjay Sahni
@ Sanjay Mahto son of Lal Bahadur Patel, resident of Bishunpur Basudeo,
P.S. Runnisaidpur District Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 13-04-2016 Heard Dr. Alok, learned counsel, who was assisted by

Sri Hans Lal Kumar , learned counsel for the petitioner. None
appeared on behalf of the State.

This is second attempt for grant of bail on behalf of the
petitioner. Earlier , by order dated 14.12.2015 passed in Cr. Misc.
No. 52830 of 2015 prayer for bail of the petitioner was rejected. It
was submitted by learned counsel for the petitioner that prior to
earlier dismissal of bail petition of this petitioner at least three
accused persons in similar situation were already granted
privilege of bail. However, on earlier occasion while prayer for
bail of this petitioner was being pressed learned counsel for the
petitioner failed to bring this fact to the notice of this court. He
has referred to Annexure - 3 Series to the present petition i.e.
order dated 6.4.2015 passed in Cr. Misc. No. 13118 of 2015



(Lalit Mahto vs The State of Bihar), order dated 29.10.2015 passed in Cr. Misc. No. 47446 of 2015 (Math Ram @ Mattha Ram@ Surendra Ram) and order dated 2.12.2015 passed in Cr. Misc. No. 41743 of 2015 (Suresh Manjhi vs The State of Bihar). It has been argued that almost in similar situation other accused persons vide Annexure - 3 series were granted bail. He submits that in the present case against the petitioner save and except disclosure made in confessional statement of the co-accused whereby name of petitioner has surfaced there is no other material.

Of -course once prayer for bail is rejected on the second occasion there is no reason to examine the merit of the case. The bail petition can be entertained only in changed circumstances. However, keeping in view the facts and circumstances as well as submission made by learned counsel for the petitioner that earlier he failed to bring on record the fact regarding grant of bail to other similarly situated persons, this Court proposes to extend the privilege of bail to the petitioner in similar manner. Accordingly let the petitioner Sanjay Patel @ Vijay Patel @ Vijay Mahto @ Ajad @ Assi @ Sanjay Sahni @ Sanjay Mahto be enlarged on bail on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial

Magistrate, Muzaffarpur in connection with Minapur P.S. Case No. 79 of 2014 on condition that one of the bailors must be blood relation of the petitioner and secondly during the trial before the court below the petitioner shall remain physically present on each and every date. If continuously on two dates the petitioner fails to appear without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

Praful/-

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