

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31678 of 2016**

Arising Out of PS.Case No. -11 Year- 2004 Thana -NAWADA MUFFASIL District- NAWADA

1. Chhotu Kumar @ Chuchu Son of Sri Maheshwar Mandal Resident of Village- Musrigharari, P.S. Serairanjan, district Samastipur, at Present Resident of Mohalla- Mithapur farm, P.S. Jakkanpur, P.O. G.P.O. District Patna,

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      10-08-2016      Heard learned counsel for the parties.

The petitioner is in custody in connection with Session Trial No.359 of 2004/71 of 2016 arising out of Nawada(Mufassil) P.S. Case No. 11 of 2004 for the offences punishable under Sections 399 and 402 of the Indian Penal Code.

The petitioner was earlier granted bail vide order passed on 23.12.2004 vide Annexure-1 in Cr.Misc.No.39735 of 2004 but for misuse of the privilege of bail that the bail granted was cancelled. The petitioner came before this Court to renew his prayer in Cr.Misc.No.37088 of 2009 and relief was granted vide order passed on 3.11.2009 vide Annexure-2. The petitioner again

jumped bail and his bail bonds were cancelled on 25.11.2013. He remained absconding for two years and again surrendered and renewed his prayer in Cr.Misc.No.41201 of 2015 and this Court taking note of his conduct dismissed his bail application vide order passed on 29.7.2015 with liberty to renew his prayer after six months if the trial is not concluded.

Mr. Arun Kumar, learned counsel for the petitioner submits that the petitioner has since been remained in custody for more than 11 months.

Having heard learned counsel for the parties and considering the circumstances, let the petitioner namely, Chhotu Kumar @ Chuchu be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Nawada in connection with Session Trial No.359 of 2004/71 of 2016 arising out of Nawada (Mufassil) P.S. Case No. 11 of 2004 subject to the following conditions:-

- (a) Both of the bailors would be the family members of the petitioner
- (b) The petitioner shall appeal in person before the Court below on each and every date fixed in the trial. In case the petitioner fails to attend the trial on two consecutive

dates without reasonable explanation to the satisfaction of the Court below, the court below shall cancel the bail bonds of the petitioner and take him into custody.

**(Jyoti Saran, J)**

Bibhash/-

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