

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 31276 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -KHODAWANDPUR District- BEGUSARAI

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Md. Shahnawaz Khan @ Shahbaz Khan @ Shahnawaj Khan @ Md.
Shahnawaz Hussain Khan, Son of Hasangir Khan, resident of Village-
Rampur Habid, Pathan Toli, Police Station- Bakhri, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Dr. Amrendra Kumar

For the Opposite Party/s : Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 30-08-2016 At the very outset, Dr. Amrendra Kumar, learned counsel for the petitioner, in presence of Sri Umanath Mishra, learned Addl. Public Prosecutor, submits that in paragraph – 9 of the petition, a typographical error has occurred. He submits that instead of mentioning the date of custody as “11-06-2015”, it was incorrectly mentioned as “11-06-2016”. He further submits that same error was committed by the learned 1st Additional Sessions Judge, Begusarai, while rejecting the prayer for bail of the petitioner. He submits that in the order dated 25-05-2016 passed by the learned 1st Additional Sessions Judge, in paragraph – 3, in place of 11-06-2015, it was typed as 11-06-2016, whereas, the prayer for bail of the petitioner was rejected on 25-05-2016. Learned counsel for the petitioner is permitted to make correction in paragraph – 9 of the petition.

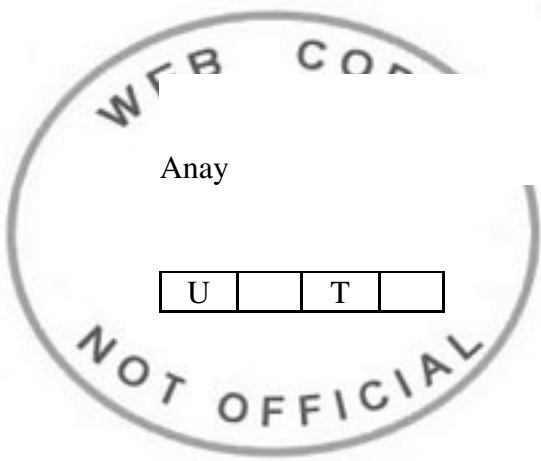
This is the 2nd attempt for grant of bail on behalf of petitioner. Earlier, the prayer for bail of the petitioner was rejected on 17-12-2015, vide Cr. Misc. No. 55339 of 2015.

In this case, by order dated 27-07-2016, a report was called for from the court below, which has been received and kept at flag 'G'. On perusal of the report, it is evident that despite issuance of non-bailable warrant of arrest, witnesses were not produced by the prosecution.

Accordingly, the Court is of the opinion that petitioner may not further be detained.

Accordingly, let the petitioner namely Md. Shahnawaz Khan @ Shahbaz Khan @ Shahnawaj Khan @ Md. Shahnawaz Hussain Khan be released on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Begusarai (the Trial Court) in connection with Sessions Trial No. 40 of 2016 (arising out of Khodawandpur P.S. Case No. 119 of 2015), with condition that one of the bailor must be blood relation of the petitioner and secondly before the trial court on each and every date the petitioner shall remain physically present. 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.)