

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36314 of 2016

Arising Out of PS.Case No. -42 Year- 2005 Thana -CHAUSA District- MADHEPURA

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1. Bechan Mandal Son of Anandi Mandal Resident of Village- Dubba Tola, P.S. Barhara Kothi, District- Purnea.
 2. Bablu Mandal Son of Late Jay Narayan Mandal, Resident of Village- Dhaneshpur (Gosai Gaon), P.S.- Chausa (Fulaut O.P.), District- Madhepura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 23-08-2016

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered under Section 307 and other minor Sections of the Indian Penal Code and Section 27 of the Arms Act.

Petitioners are named in the first information report but according to the prosecution case itself, it was co-accused Tunno Mandal, who shot fire on the informant causing injury to him. So far as petitioners are concerned, they are named in the first information report but no specific overt-act has been attributed against them.

The present occurrence took place in the year 2005 but

petitioners could be remanded in this case in the year 2016 and prior to remand, the charge sheet against the petitioners was submitted in the year 2009.

Submission on behalf of the petitioners is that petitioner no.1 was in jail custody since 9.12.2007 in Barhara Kothi P.S. Case No.64 of 2005 and when he got acquitted in the aforesaid case, he was remanded in the present case on 19.1.2016. It is further submitted that so far as petitioner no.2 is concerned, the said petitioner and other accused had filed petition before the higher police official for proper investigation of the case and that was the reason, petitioner no.2 could not surrender before the court in time. However, petitioner no.2 does not have any criminal antecedent and is languishing in jail custody since 15.3.2016.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Ashok Kumar II, Judicial Magistrate 1st Class, Madhepura in connection with Chausa (Fulaut O.P) P.S. Case No.42 of 2005, subject to the condition that they shall attend the trial court in person on each and every date for the period of nine months or till conclusion of their trial whichever is earlier and if

they fail to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners after making due and proper enquiry.

(Hemant Kumar Srivastava, J)

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