

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48265 of 2016

Arising Out of PS.Case No. -429 Year- 2015 Thana -KRITYANAND NAGAR District- PURNIA

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Kundan Sahni, son of Bhusan Sahini, resident of village- Sarsi Gorhi Tola,
P.S. Sarsi, District- Purnia

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-11-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail, which was earlier rejected by order dated 04.05.2016 passed in Cr. Misc. 12236 of 2016, on the ground that the petitioner is suffering in custody since 08.01.2016. The case is based on complaint petition which was filed after delay of six days without any explanation. The informant has been examined during trial and given contradictory statement and the petitioner was given liberty to renew his prayer for bail after examination of informant during trial and, as such, there is no chance of tampering with prosecution evidence.

The learned APP opposes the prayer of bail, but fairly submits that as per statement of the petitioner made in para 8

of this Criminal Miscellaneous the informant-cum-victim lady has already been examined on 03.08.2016.

In the facts and circumstances stated above, considering that the victim-cum-informant has already been examined during trial and now there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge, Purnea, in connection with S.Tr. No. 183 of 2016 (arising out of K. Nagar (Champa Nagar) P.S. Case No. 429 of 2015 subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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