

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25444 of 2016

Arising Out of PS.Case No. -65 Year- 2014 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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Bachhu Mahto Son of late Khub Lal Mahto, Resident of Village- Siswasob,
PS- Kalyanpur, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 20-07-2016

Heard the parties.

The prayer for bail of the petitioner in a criminal prosecution registered under Section 395 of the Indian Penal was earlier rejected by this Bench by order dated 10.04.2015 with an observation that if the trial of the petitioner is concluded within one year from the date of framing of charge, then he shall be at liberty to renew his prayer for bail.

The learned counsel, appearing on behalf of the petitioner, submits that the charge against the petitioner was framed on 13.04.2015 and the petitioner is in judicial custody since 25.04.2014, yet the trial of the petitioner has not been concluded till date.

From the report submitted by the learned trial court, kept at flag-A, it appears that excepting the petitioner, other accused persons were granted bail. From the aforesaid report, it further appears that though the trial of the accused persons has commenced, but it is not likely to be concluded in near future. In above view of the matter, this Court is inclined to accede to the

prayer made on behalf of the petitioner for grant of bail.

Let the above named petitioner be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge, Motihari, East Champaran in connection with S. Trial No. 152 of 2015 arising out of Kotwa P.S. Case No. 65 of 2014, subject to the conditions that:

- (A). Both the bailors must be government servants,
- (B). if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail bond of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and
- (C). the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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