

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8065 of 2016

Arising Out of PS.Case No. -431 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

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1. Abhishek Bharti son of Late Arun Kumar Bharti resident of village -
Vidya Jhap, Police Station - Sakra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Manish Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 20-04-2016

Heard the parties.

This is the repeat application seeking bail in
Motipur P.S. case no. 431 of 2014, registered under Section 414
of the IPC, diverse penal provisions of the Arms Act as well as
Section 20/22 of the NDPS Act.

Earlier his prayer for bail was considered and
rejected by order dated 7.7.2015 permitting him to apply afresh for
bail, if prosecution witnesses are not examined within a span of 5
months.

Counsel for the petitioner has again addressed
the Court on merit of the case. It is stated that petitioner is in
custody since 26.12.2014. A status report was called for which is
placed at Flag-A. On perusal whereof it appears that the trial

Court has framed charges against the petitioner and all steps have been taken for appearance of the witnesses. However, no witness has been examined till date.

On a consideration of the submissions, this Court, while declining the prayer dispose of the application by the following order:-

Let trial Court endeavour to examine all the relevant prosecution witnesses within five months from the date of receipt /production of a copy of this order, failing which the petitioner shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Muzaffarpur in connection with Motipur P.S. case no. 431 of 2014 in Session Trial no. 68 of 2015 subject to the following conditions:-

- (1) One of the bailors shall be the own/close family member of the petitioner.
- (2) In the event of grant of bail, the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the

petitioner and secure his arrest in
accordance with law.

(Kishore Kumar Mandal, J)

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