

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19854 of 2016

Arising Out of PS.Case No. -318 Year- 2014 Thana -BANMANKHI District- PURNIA

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1. Rupesh Kumar Yadav @ Rupesh Kumar Son of Kameshwar Yadav
Resident of Village Sripur, Police Station Kumar Khand, District-
Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. M. Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 29-06-2016 Heard Mr. Singh for the petitioner and Mr. M. Dayal, APP
for the State.

In the light of the liberty granted under order dated
25.06.2015 passed in Cr. Misc. No. 16724 of 2015, the petitioner
has renewed his prayer for bail in the Court below which was
refused and hence the second application for grant of bail.

Petitioner is facing prosecution under Section 395 IPC vide
Banmankhi P.S. Case No. 318 of 2014 and is languishing in
custody since 15.11.2014. The incriminating material against the
petitioner is that one mobile said to have been looted in the
occurrence was recovered in the house of the petitioner for which
some explanation has been offered by him. On perusal of the order
of the learned 3rd Additional Sessions Judge, Purnea passed in the
present case, it appears the case has not, till date, been committed
to the Court of Sessions. The files are still lying with the learned

Committing Court.

Considering the facts and circumstances of the case, this Court, while declining the prayer for grant of bail, disposes of the application by the following order:-

Let the Court(s) in seisin of the case take steps for committing the case and the charge be framed against the petitioner as quickly as possible preferably within four months from the date of receipt/production of a copy of this order. As soon as charges are framed, the petitioner shall 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 the Trial Court with the following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) The petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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