

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26071 of 2016

Arising Out of PS.Case No. -87 Year- 2012 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Raushan Manjhi S/o Janak Manjhi R/o Village- Kauaha, P.S.- Sugauli,
Dist- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Sri Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 03-08-2016

Heard the parties.

The prayer for bail made on behalf of the petitioner in a criminal prosecution registered under Section 302/149 and some other allied offences under the Indian Penal Code was rejected earlier by order dated 22.5.2014 (Annexure-1) passed in Cr. Misc. No. 36010 of 2013 with an observation that if the trial of the petitioner is not concluded within a period of one year from the date of framing of charge, then he shall be at liberty to renew his prayer for bail before this Court.

The learned counsel appearing on behalf of the petitioner submits that though, there is an allegation of assault against the petitioner in the F.I.R. vide Annexure-2, but he is in judicial custody since 12.1.2013 i.e. more than 3 ½ years. He further submits that charge against the petitioner was framed on 13.5.2015, yet trial of the petitioner has not been concluded.

The learned Additional Public Prosecutor appearing on behalf of the State has opposed the prayer for bail but has not disputed the aforesaid submissions.

By order dated 29.6.2016, a report was called for from the learned trial court, which has, now, been received and has been kept at flag-G. From perusal of the aforesaid report dated 12th July, 2016 it appears that charge against the petitioner was framed way back on 13.5.2015, but till date not even a single witness has been produced on behalf of the prosecution.

Taking into consideration the period of incarceration as also the observations made earlier by this Court in the order dated 22.5.2014 (Annexure-1) and also taking into consideration the report submitted by the learned trial court, this Court is inclined to accede to the prayer made on behalf of the petitioner in the present application for grant of bail.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 13th, East Champaran, Motihari in connection with Sugauli P.S. Case No. 87 of 2012, giving rise to S. Tr. No. 227 of 2015, subject to the conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the Court below showing his relationship with the petitioner,
- (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 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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