IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46520 of 2016

Arising Out of PS.Case No. -247 Year- 2004 Thana -KAJI MUHAMMADPUR District-MUZAFFARPUR

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Sunil Singh @ Budha Singh Son of Ambika Singh Resident of Village-Karath, P.S.-Tarari, District-Bhojpur Ara

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Rajiva Ranjan
For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 06-12-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 364(A) of the Indian Penal Code.

It is a case of misuse of privilege of bail and it appears from perusal of the impugned order that bail bond of the petitioner was cancelled on 06.11.2009 and subsequently, he was remanded in the present case on 04.12.2015. It would further appear from perusal of the impugned order that case of the petitioner was separated from original case record of Sessions

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Trial No. 125 of 2007 in which one co-accused was convicted.

The learned trial court has reported vide letter no. 468/16 dated 05.11.2016 that case of the petitioner is pending for argument awaiting original case record of Sessions Trial No. 125 of 2007 which has been sent to this court in connection with Cr. Appeal No. 62 of 2010.

I am unable to understand as to why the learned trial court is waiting for original record because it is well known fact that if case of any accused is separated from original record, all the relevant papers are prepared. So this Court assumes that at the time of separation of case of the petitioner from original record, the relevant documents had already been prepared. Moreover, petitioner is in jail custody for more than one year and prior to cancellation of his bail bond he was initially granted bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 848 of 2009 arising out of Kazimuhammadpur P.S. Case No. 247 of 2004, subject to condition that one of the sureties must be close relative of the

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petitioner and holder of landed property and furthermore, petitioner shall not leave the State of Bihar without prior permission of the trial court till disposal of his case.

(Hemant Kumar Srivastava, J)

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