

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27367 of 2017

Arising Out of PS.Case No. -157 Year- 2004 Thana -MARHAURA District- SARAN

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Manoj Kumar Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner is an accused in connection with Morhowrah P.S. Case No. 157 of 2004 for the offence under section 379 of the Indian Penal Code and Section 40 of the Bihar Mines and Mineral Concession Rules, 1972.

The petitioner was earlier granted bail on 22.3.2005 and thereafter, on 3.5.2005 cognizance has been taken and charge has been framed on 23.2.2006.

The bail bond of the petitioner was cancelled on 9.5.2008 on rejection of the application filed by the petitioner under section 317 of the Cr.P.C.

The petitioner has enclosed Annexure-2 and 2/1 and has stated in paragraph 7 to the effect that he has already deposited Rs.80,023/- through treasury challan in favour of



Assistant Mining Officer, Saran at Chapra.

Having regard to the fact that the petitioner has already deposited Rs. 80, 023/- by way of treasury challan on 21.3.2005 and earlier he was granted bail and his bail bond was cancelled due to non-appearance, let the petitioner, named above, 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 ACJM-VII, Chapra, in connection with Morhowrah P.S. Case No. 157 of 2004 on the condition that the petitioner will appear in the court below without fail on each and every date and will extend full cooperation in conclusion of the trial. The court below is directed to take coercive steps, if the petitioner fails to cooperate in the trial and does not appear in the proceedings of the court below without any reasonable justification.

It goes without saying that the petitioner will not in any manner tamper with the evidence or influences the witnesses. If it is found that the petitioner is involved in tampering with the evidence or influencing the witnesses, the court below is at liberty to take all steps as would be permissible under the law.

With the aforesaid observation, the application is allowed and the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs. of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of ACJM-VII, Chapra, in connection with Morhowrah P.S. Case No. 157 of 2004 on the condition that the petitioner will extend full cooperation in the trial and will not, in any manner, tamper with evidence or influence the witnesses.

(Anil Kumar Upadhyay, J)

Ravi/-

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