

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30832 of 2017

Arising Out of PS.Case No. -195 Year- 2002 Thana -SILAW District- NALANDA
(BIHARSHARIFF)

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1. Munna Mahto @ Munna Kumar @ Munna Kumar Mahto Son of Late Ravi Bhushan Prasad , Resident of Ajnaura, Police Station- Noorsarai, in the District of Nalanda Bihar.

.... Petitioner/s

Versus

1. The State of Bihar The Superintendent of Police, Nalanda At Biharsharif, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Pratap Singh

For the Opposite Party/s : Mr. Rajkishore Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 21-09-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 06.02.2017 in connection with Sessions Trial No. 87/2017, arising out of Silao P.S. Case No. 195/2002 for offences punishable under Sections 302, 120-B, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that his brother has been killed by Shailendra Kumar by fire-arm. Other persons named in the First Information Report have also conspired in killing.



It has been submitted by the learned counsel for the petitioner that he is not named in the First Information Report and during course of investigation supplementary charge-sheet was filed and cognizance was taken against the petitioner and other co-accused. He submits that earlier bail was granted to the petitioner by order dated 15.10.2003, passed in Cr. Misc. No. 22472 of 2003 but subsequently it was cancelled by a coordinate Bench of this Court by order dated 21.12.2006, passed in Cr. Misc. No. 16051 of 2006 for misuse of privilege of bail. He further submits that now he has fully cooperated in the trial, was examined and his statement was recorded under Section 313 of the Cr.P.C. It is submitted that co-accused named in the First Information Report are already on bail and he undertakes to cooperate in the trial on day-to-day basis and will not again misuse the privilege of bail if the same is granted.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has misused the privilege of bail and unnecessarily delayed the trial as it is an old matter of 2002.

In this connection a report was called for from Fast Track Court-I, Nalanda at Biharsharif, which has been received



by letter No. 170 dated 18.09.2017 in which it has been stated that so far as Sessions Trial No. 87/17 is concerned, the prosecution evidence has been closed on 27.07.2017 as all prosecution witnesses have been examined, the matter is pending for examining the defence witness and that the accused persons named in the First Information Report, for which Sessions Trial No. 153/04 and Sessions Trial No. 153A/04 is pending, are on bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Fast Track Court No. 1, Nalanda at Biharsharif, in connection with Sessions Trial No. 87/2017, arising out of Silao P.S. Case No. 195/2002, subject to the condition that both the bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner misuses the privilege of



bail in future under any circumstance, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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