

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42159 of 2017

Arising Out of PS.Case No. -23 Year- 2004 Thana -RAUTA District- PURNIA

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1. Fulai Choudhary @ Gulawa Choudhary @ Fulwa Choudhary, Son of Novilal Choudhary, R/o Village- Dumaria, P.S.- Rوتا, District- Purnea.
2. Kishundeo Choudhary Son of Fulai Choudhary @ Gulwa Choudhary @ Fulwa Choudhary, R/o Village- Dumaria, P.S.- Rوتا, District- Purnea.

.... Petitioners/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioners/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-09-2017 The petitioners seek regular bail in connection with Rوتا P.S. Case No. 23 of 2004, registered for offences punishable under Sections 341, 342, 323, 504, 379 and 307 of the Indian Penal Code.

This is a case of misuse of privilege of bail.

It has been submitted on behalf of the petitioners that petitioners were granted bail on 04.11.2004 and made parivi till 06.05.2005 and since the petitioners are labourer, they went out of the State to earn their livelihood and could not make further *pairvi* in this case. Further petitioner has been in judicial custody since 07.07.2017.

Heard learned A.P.P. also.



Having heard both sides, considering the facts and circumstances of the case and also in this case there is long misuse of privilege of bail by the petitioner, as such, at this stage, I am not inclined to release the petitioners on bail rather this application is disposed of with direction to the court below that he may release the petitioners on bail to his own satisfaction after four months of commencement of evidence or after four months of framing of charge in this case, whichever is earlier.

(Vinod Kumar Sinha, J)

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