

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1943 of 2017

Arising Out of PS.Case No. -36 Year- 2004 Thana -MALI District- AURANGABAD

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1. Om Prakash Giri, Son of Kapil Giri, resident of Jamuhar, P.S. Dehri,
District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

4 20-02-2017 Heard the parties.

This application has been filed in connection with S.T.No.58A of 2005/24 of 2005 arising out of Mali P.S.Case no.36 of 2004 (G.R.Case No.1075 of 2004) for the offence under Sections 364(A) and 120B of the Indian Penal Code.

It is submitted on behalf of the petitioner that there is nothing against this petitioner except the confessional statement of the co-accused and no T.I.P. The petitioner is in custody for about three years. It has also been submitted that now the charges has also been framed in this case. Further, it has been submitted that the petitioner is an accused in two other cases also but in both the cases, he is on bail.

Heard learned A.P.P. also.

Having heard both sides. No doubt the petitioner is accused



in two other cases also but in the present case, there is nothing against the petitioner except the confessional statement of the co-accused and he is in custody for more than three years. Considering the aforesaid facts of the matter, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-IV, Aurangabad in connection with S.T.No.58A of 2005/24 of 2005 arising out of Mali P.S.Case no.36 of 2004 (G.R.Case No.1075 of 2004)

With following conditions :

- (i) One of the bailors of the petitioner shall be a government servant or Mukhiya or Sarpanch having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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