

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45318 of 2017

Arising Out of PS.Case No. -216 Year- 1999
Thana -PIRBAHOR District- PATNA

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Azad Chaudhary Son of Late Mangal Chaudhary, resident of Mohalla-
Musalahpur, Mahabir Lane, Police Station- PIRbahore, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate

For the Opposite Party : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in Sessions Trial No. 1220/2000 being tried for offence under sections 307/34 of the IPC and 27 of the Arms Act. Petitioner has misused the privilege of bail for which he is in custody since 9.8.2017.

Counsel for the petitioner submits that he is 74 years old and is suffering from various ailments and prior to cancellation of bail on 3.11.2012, he continuously appeared in the court but since 14.9.2001 till 3.11.2012, only one witness was examined in the case.

In view of the aforesaid submissions, let the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge XI, Patna in Sessions Trial No. 1220 of 2000, on the following conditions:-

(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with him. The bailor will also undertake to inform



the court if there is any change in the address of the petitioner.

(b) The affidavit shall clearly state that the petitioner is not an accused in any other case, and if he is, he shall not be released on bail.

(c) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(e) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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