

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39410 of 2016

Arising Out of PS.Case No. -93 Year- 2011 Thana -PURANHIA District- SHEOHAR

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1. Chiranjivi Sagar @ Chiranjivi Bhagat S/o Late Bindeshwar Bhagat,
Resident of village- Hajpurwa,P.S.- Runisaidpur,District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 11-01-2017 Heard Mr. Prasad for the petitioner and learned APP
for the State.

This is repeat application seeking bail in Puranhaiya
P.S. Case No. 93 of 2011 (S.T. No. 175/13/04/14) registered under
sections 452, 302, 307, 324, 326/34 of the Indian Penal Code.
Considering the nature of allegation and other materials reflecting
from the record including the criminal antecedent of the petitioner,
this Court even after noticing the fact that some other accused
persons of the present case similarly placed have been granted bail
by this Court, refused the prayer for bail vide order passed in Cr.
Misc. 20524 of 2015 (Annexure-1) granting the petitioner liberty
to renew prayer for bail if all prosecution witnesses are not
examined within the specified period. Learned counsel submits
that in spite of expiry of more than a year, all the witnesses on



behalf of the prosecution have not, till date, been examined and the petitioner continues to incarcerate since 19.11.2013.

A status report was called for which has been received. On perusal whereof, it appears that till date only two witnesses on behalf of the prosecution have been examined. It appears that another co-accused facing trial has not appeared before the Court and hence coercive step has been taken against him.

Be that as it may, considering the facts and circumstances of the case, this Court, while declining the prayer for grant of bail, disposes off the application by the following order:-

Let the Trial Court endeavour to examine all prosecution witnesses which prosecution wants to adduce within five months from the date of receipt/communication of the order. In case the Trial Court is unable to do so for no fault on the part of the petitioner, the Court below shall release the petitioner on bail in connection with S.T. No. 175/13/04/14 (arising out of Puranhaiya P.S. Case No. 93 of 2011) on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount subject to the following conditions:

(i) One of the bailers shall be the own/close family members



of the petitioner.

(ii) In the event of grant of bail, the petitioner shall continue to appear in person on the dates fixed at the trial. In case he defaults in personal appearance before the Trial Court on two consecutive dates, the Trial Court shall cancel his bail bonds and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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