

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48678 of 2016

Arising Out of PS.Case No. -60 Year- 2004 Thana -IMAMGANJ District- GAYA

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1. Gunjan Prasad, s/o late Madan Prasad
 2. Brij Nandan Prasad
 3. Santan Prasad
 4. Mahesh Prasad S/o Late Chamari Prasad @ Chamari Marwan R/o
Village - Chaubar Bahrea, P.S. - Imamganj, District - Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mrs. Rina Sinha, Advocate.

For the Opposite Party : Mr. Rajendra Singh Shastriji, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 10-01-2017 Heard learned Counsel for the petitioners and the
State.

The petitioners seek bail in a case instituted for the
offence under Sections 147, 148, 341, 323, 325 and 379 of the
Indian Penal Code.

It is a misuse of privilege of bail as is apparent from the
order No. 3 dated 6.12.2016 passed by this Court in which the
status report of the case was called for which is kept at Flag-X.
From the report, it appears that charge has already been framed



against the accused persons for the offence under Sections 147, 148, 341, 323 and 325 of the Indian Penal Code. It further appears that on 2.4.2007 the representation petition was filed on behalf of the accused persons under Section 317 Cr. P.C. and one prosecution witness was also in attendance. No body turned up on behalf of the defence on repeated calls in the court below and then the bail bonds of the accused persons was cancelled. It is further mentioned in the report that all these four petitioners surrendered in the court below on 29.8.2016 and they are in custody since then. It is further mentioned that one of the accused has absconded.

In such circumstances taking into consideration that charge has already been framed in the case and on 2.7.2007, the representation petition was filed on behalf of the petitioners under Section 317 Cr. P.C. and they have voluntarily surrendered on 29.8.2016 and are in custody since then, they are directed to be released on bail on furnishing bail bonds of Rs.10,000/-/(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sherghati (Gaya) in connection with Imamganj P.S. Case No. 60 of 2004, subject to the condition that both the bailors will be the close relatives of the petitioners.



It is made clear that the petitioners will remain present in court till final disposal of the case on every date and any two consecutive default in appearance of the petitioners, will amount to automatic cancellation of bail bonds in the lower court.

(Sanjay Priya, J)

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