

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8138 of 2017

Arising Out of PS.Case No. -123 Year- 2004 Thana -MASRAKH District- SARAN

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Binod Singh S/o Narayan Singh R/o Vill- Kondh Bhagwanpur, Baba tola,
P.S.- Panapur, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-03-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The Petitioner seeks bail in Mashrakh
(Panapur) P.S. Case No. 123 of 2004 instituted for the offence
under Section(s) 147, 149, 323, 324, 448, 427, 436 of the Indian
Penal Code and Section 3(X) of the SC & ST (Prevention of
Atrocities) Act.

It has been submitted on behalf of the
petitioner that this is a case for misuse of privilege of bail.

From the impugned order, it appears that
petition filed on behalf of the petitioner under Section 317 Cr.P.C.
was rejected on 14.03.2012 and non-bailable warrant of arrest was
issued against him. Thereafter the petitioner was remanded in this



case on 08.11.2016 and since then the petitioner is in custody.

In such circumstances, keeping in view the period spent by the petitioner in the custody, this Court feels that petitioner has sufficiently been punished for his latches. Hence, in the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the Petitioner, above named, be released on bail on furnishing bail bond of 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, 8th, Saran at Chapra in connection with Sessions Trial No. 533 of 2006, arising out of Mashrakh (Panapur) P.S. Case No. 123 of 2004, subject to the conditions that both the bailors shall be the close relative of the petitioner.

The petitioner will remain present in the Court below on each and every date till final disposal of the trial and he will not cause tampering of the witnesses or delay in trial. The absence of the petitioner in lower court on two subsequent dates will give liberty to the lower court to cancel the bail bonds of the petitioner.

(Sanjay Priya, J)

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