

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32841 of 2017

Arising Out of PS.Case No. -78 Year- 2014 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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1. Mantosh Kumar @ Mister @ Mister Pandit Son of Kusheshwar Pandit
Resident of Village Madhepura, Ward No. 12, Police Station Madhepura,
District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : . Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-08-2017

Heard the parties.

The petitioner seeks regular bail in connection with
Singheshwar P.S.Case No.78 of 2014 registered for offences
punishable under Section 395 of the Indian Penal Code.

The petitioner is not named in the F.I.R. and his name
transpires on the confession of the co-accused.

Submission of the learned counsel for the petitioner is
that except confession there is nothing against the petitioner and
the other co-accused persons, having similar allegation has already
been granted bail by this Court, vide order dated 27.7.2015 passed
in Cr. Misc. No.26650 of 2015 and order dated 15.12.2015 passed
in Cr. Misc. No.50094 of 2015. It is also submitted that though the



trial has commenced and one witness has been examined but that witness has also become hostile of the prosecution and there is absolutely nothing against the petitioner.

Heard learned A.P.P. also.

A report was called for in this case and it appears that in spite of issuance of non-bailable warrant against the remaining witnesses up-till-now only two out of seven prosecution witnesses have been examined. The learned trial court has prayed for further nine months' time for disposal of the case. The petitioner is in custody for more than three years.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Madhepura in connection with S.T.No.30 of 2016 arising out of Singheshwar P.S.Case NO.78 of 2014.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person 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 reason, otherwise, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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