

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26591 of 2017

Arising Out of PS.Case No. -215 Year- 2005 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Lal Mohan @ Lala Pandit @ Julum Yadav @ Lal Mohan Parit @ Lal Mohan Pandit, son of Late Mathura Parit, Village Narwal Barwal, P.S.- Bagaha, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 22-08-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Sessions Trial No. 431 of 2007, arising out of Shikarpur P.S. Case No. 215 of 2005 registered for the offence punishable under Sections 365 and 367 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his father, Nagina Ram along with villager Muni Mahto had gone to his vegetable field, but did not return. It is alleged that some kidnappers had kidnapped them.

It has been submitted by the learned counsel for



the petitioner that he is innocent, not named in the First Information Report and his name surfaced on the confessional statement of the two victims, who have named four persons, who had taken them and returned after 20-25 days on getting money. He further submits that he is in jail custody since 2006 and has been remanded in the present case on 12.03.2007 and since then he is languishing in judicial custody just because he has a criminal antecedent. It is further submitted that petitioner has been made accused on the basis of suspicion and some of the co-accused have been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 36639 of 2009 on 14.10.2009 and Cr. Misc. No. 11226 of 2011 on 21.07.2011. Case diary in the aforesaid case had been called for and the statement of the victims has been perused. A report was also called for from the learned Court below regarding the stage of trial, which has been sent by Letter No. 22 dated 10.08.2017. Incharge FTC-1, Bettiah, West Champaran has stated that charge has been framed on 30.11.2016 and none of the witnesses has been examined till date and the Court at present is vacant.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that his bail was rejected earlier



by this Court in Cr. Misc. No. 4500 of 2010 on 22.06.2010 and that the petitioner does not have a clean antecedent and as many as 11 cases are pending against him, some of them are of similar nature.

Considering the facts and circumstances and the materials on record as well as the period of custody and also the fact that trial is not likely to be concluded in near future, as is evident from the report of the learned Court below, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge, Bettiah, West Champaran in connection with Sessions Trial No. 431 of 2007, arising out of Shikarpur P.S. Case No. 215 of 2005, subject to the condition that one of the bailors would be a close relative and the petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is also made clear that if, in future, petitioner indulges in similar nature of offence, the prosecution will be at



liberty to move before the learned Court below for cancellation
of his bail bonds.

(Nilu Agrawal, J.)

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