

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12108 of 2018

Arising Out of PS. Case No. -422 Year- 2004 Thana -SAMASTIPUR District- SAMASTIPUR

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1. Jitendra Kumar, son of Late Shiv Shankar Prasad, Resident of Rampur Chauram, P.S. Arwal, District Jehanabad.
 2. Umesh Kumar, son of Late Shambhu Sharan Yadav, Resident of village Madhuri Chawk, P.S. Nagar Samastipur, District Samastipur
 3. Md. Chand son of Late Abbas, Resident of Village Mathurapur, P.S. Warisnagar, District Samastipur.
 4. Jibchh Paswan, son of Late Eitwari Paswan, Resident of Village Chak Dindayal, P.S. Warisnagar, District Samastipur.
 5. Upendra Rai, son of Chathu Rai, resident of Village Shashtri Nagar Kashipur, P.S. Samastipur Town, District Samastipur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party : Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 27-02-2018

As prayed, learned counsel for the petitioners is permitted to make correction in the date mentioned as "26.07.2012" in place of correct date "23.01.2012" as mentioned in paragraph 8 of the bail petition in course of the day.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners are in custody since 02.02.2018 in connection with in Sessions Trial No. 76 of 2009 arising out of Samastipur Town P.S. Case No. 422 of 2004 for the offences alleged under Sections 147, 323, 325, 341, 186, 332, 333 and 353 of the Indian Penal Code.

4. It is submitted that the petitioners have earlier been granted bail by the learned court below itself and thereafter they continued to make pairvi till 23.01.2012 but thereafter the case was transferred from one court to another on five-six



occasions and the petitioners could not locate where the case was pending and thus they failed to make pairvi thereafter. It is however stated that the petitioners have surrendered voluntarily and there was no intention on their part to abscond.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Fast Track Court-II, Samastipur, in connection with Sessions Trial No. 76 of 2009 arising out of Samastipur Town P.S. Case No. 422 of 2004, on the following conditions:-

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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