

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29112 of 2018

Arising Out of PS. Case No.-38 Year-2013 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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Banti Gorhi @ Banti Mandal, son of Bishwanath Gorhi @ Bishwanath Mandal @ Vishwanath Mahaldar, Resident of Village- Adarsh Nagar, Jichho Pokhar, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 28-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Railway P.S. Case No. 38 of 2013 corresponding to S.T. No. 634 of 2015 (C) registered for the offence punishable under Sections 302, 34, 120(B) of the Indian Penal Code and Section 27 of Arms Act.

The bail petition of petitioner was rejected thrice earlier by order dated 30.10.2015 passed in Cr. Misc. No. 23154 of 2015, by order dated 29.06.2016 passed in Cr. Misc. No. 2496 of 2016 and lastly on 28.06.2017 passed in Cr. Misc. No. 21947 of 2017. On earlier two occasions petitioner was granted liberty to renew his prayer for bail if the trial is not concluded within 9



months and thereafter within 6 months. Report from trial court was sought which has been received according to which five witnesses out of nine witnesses have already examined. It has been further submitted that the petitioner is not named in FIR and two persons named in FIR are Rambalak Singh and Anjali Kumari. It has been further submitted that four non-FIR accused against whom charge sheet was submitted and was facing trial and against whom allegation is of killing the deceased. Two accused have already been granted bail by this Court vide order dated 08.09.2015 passed in Cr. Misc. No. 14827 of 2015 and in para No. 9 of petition it has been stated that 3rd co-accused Sonal Verma has been granted bail vide order dated 26.06.2015 passed in Cr. Misc. No. 17978 of 2015. It has been lastly submitted that petitioner has clean antecedent and he is in custody since more than four years.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd, Bhagalpur, in connection with Railway P.S. Case No. 38 of 2013 corresponding to S.T. No.



634 of 2015 (C) subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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