

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7719 of 2018

Arising Out of PS. Case No. -338 Year- 2017 Thana -LAHERIASARAI District- DARBHANGA

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1. Rahul Kumar Choubey, S/o Jatashankar Choubey, R/o Village-Mushharwa, P.S.- Sathi, District- West Champaran.
 2. Sumit Mishra @ Sumit Kumar Choudhary, S/o Badshah Mishra, R/o village- Chamua, P.S.- Shikarpur, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bimlesh Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-04-2018 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners, who are in custody since 23.08.2017, has renewed their prayer for bail in connection with Trial no. 1912 of 2017 arising out of Laheriasarai P.S. Case No. 338 of 2017 having earlier been rejected by order dated 13.11.2017 in Criminal Miscellaneous No. 51587 of 2017.

3. It is submitted that the petitioners having received appointment letters by speed post proceeded to join at Madhubani but finding no such office there, they went to make enquiry at Darbhanga which itself shows that appointment letters could not have been used. It is further submitted that charge sheet has now been submitted while keeping the supplementary investigation pending against certain officials and the employees and there is no chance of tampering with the evidence.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case as well as period of custody of the petitioners above named, let them be released on bail on



furnishing on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Mr. Manish Kumar, learned Judicial Magistrate, 1st Class, Darbhanga in connection with Trial no. 1912 of 2017 arising out of Laheriasarai P.S. Case No. 338 of 2017 with 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.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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