

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6910 of 2019

Arising Out of PS. Case No.-125 Year-2006 Thana- BANKA District- Banka

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1. Sadanand Mandal, aged about 48 years. Son of Late Govind Mandal
 2. Rama Yadav, aged about 35 years, Son of Panchu Yadav @ Panchanand Maharan @ Panchanand Maharana
 3. Bhavesh Yadav @ Bhavish Yadav, aged about 40 years, Son of Late Jagdish Yadav
 4. Karu Poddar @ Karu Podda, aged about 60 years, Son of Late Kamisand Poddar
- All Resident of Village - Manjhiyara, P.S.- Banka, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bharat Lal
		Mr. Akash Raj
For the Opposite Party/s :		Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 19-02-2019 Heard learned counsel for the parties.

Petitioners seeks bail in Banka P.S. Case No. 125/2006 (S.T. No.314/2018) registered for the offence punishable under Sections 147, 148, 149, 323, 307, 427, 379 of the Indian Penal Code, Section 27 of the Arms Act and Section 4/5 of Explosive Substance Act.

This is a case of misuse of privilege of bail.

It has been submitted on behalf of the petitioners that earlier they were granted bail. The petitioners appeared before the Trial Court prior to 06.08.2007 physically. Thereafter, they had gone outside the State in connection with their livelihood



by entrusting the parivi of the case to the parvikar. The pairivikar filed representation petition on their behalf under Section 317 Cr.P.C. on 06.08.2007 and the court below refused their representation petition and cancelled their bail bonds. Petitioners came back from Surat to their native village in the first week of August 2018 and came to know that their bail bond has been cancelled and, thereafter, they themselves surrendered on 21.08.2018 and since then they are in custody. It has also been submitted that the petitioners undertake to never misuse the privilege of bail in future and would appear on each and every date fixed by the trial court.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 2nd, Banka in connection with Sessions Trial No.314/2018 (Banka P.S. Case No. 125 of 2006), with following conditions:-

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

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper 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 petitioners.

(S. Kumar, J)

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