

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18402 of 2019
Arising Out of PS. Case No.-30 Year-2013 Thana- BHAWANIPUR District-
Purnia

- =====
1. MD. MOKHTAR SAH @ MD. MOKHTAR, aged about 62 years, male, Son of Late Md. Fullo Sah Resident of Village - Shekhpura, P.S.- Bhawanipur, Distt.- Purnea.
 2. Md. Domi Sah @ Mumtaj Sah, aged about 44 years, male, Son of Late Md. Fullo Sah Resident of Village - Shekhpura, P.S.- Bhawanipur, Distt.- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioners : Mr. Amresh Kumar Sinha, Advocate.

For the Opposite Party: APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 15-05-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. This is the fifth attempt on behalf of the petitioners, who are in custody since 05.09.2013, have renewed their prayer for bail in connection with Bhawanipur P.S. Case No. 30 of 2013 having earlier been rejected by orders dated 19.03.2014, 14.11.2014, 29.04.2016 and 10.05.2017 in Cr. Misc. Nos. 50025 of 2013, 40764 of 2014, 35803 of 2015 and 9943 of 2017 respectively.

3. It is submitted that contrary to the spirit of speedy trial, it appears that between passing of the order dated 10.05.2017 in Cr. Misc. No. 9943 of 2017 and the order dated 16.02.2019 passed by the Presiding Officer, Fast Track court-2, Purnea once again rejecting the prayer for bail, only one more prosecution witness has been examined. In the aforesaid order dated 10.05.2017, this Court had directed expeditious conclusion of the trial preferably within eight months. It is further submitted



that the accusations of assault against the petitioners are general and omnibus in nature. The petitioners have already suffered five and half years in custody.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Fast Track court-II, Purnea in connection with Sessions Trial No. 156 of 2014 arising out of Bhawanipur P.S. Case No. 30 of 2013, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

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

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

(iii) That 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.

(iv) 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)

Ibrar/BT

U		T	
---	--	---	--

