

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42027 of 2019**

Arising Out of PS. Case No.-186 Year-2007 Thana- CIVIL LINE District- Gaya

BITTU MIAN @ MD. BITTU @ BITTU @ Bitu Mian Son of Md. Alam
Resident of Village - Tekari Road, P.S.- Kotwali Gaya, A/P Mokama Ghat
Durga Asthan, P.S.- Mokama, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER**

2 12-07-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Sessions Trial No. 89 of
2016/436 of 2008 arising out of Civil Lines P.S. Case No.
186 of 2007**, instituted for the offence under Section(s) 395,
216 of the Indian Penal Code, Sections 3, 4 and 5 of Explosive
Substance Act.

This is a case of misuse of privilege of bail.

Petitioner is in custody since 18.4.2019 having clean
antecedent.

The Sessions Judge has mentioned in the impugned
order that First Information Report has been registered in the
year 2007 and the case has been committed in the year 2008.



The charge has not been framed in the case till date. The bail bond of the petitioner has been cancelled and NBW has been issued on 3.9.2013. The petitioner has been remanded in the instant case on 18.4.2019.

As such petitioner is in custody since 18.4.2019.

In view of such, the petitioner has sufficiently been punished for the laches committed on his part.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional District and Sessions Judge-VIth, Gaya**, in connection with **Sessions Trial No. 89 of 2016/436 of 2008 arising out of Civil Lines P.S. Case No. 186 of 2007**, subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the



case, in that event, prosecution will be at liberty to move for
cancellation of bail of the petitioner.

(Sanjay Priya, J)

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