

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44967 of 2019

Arising Out of PS. Case No.-306 Year-2018 Thana- DUMRA District- Sitamarhi

SAMAR YAW S/O Jahid Resident of Village- Badhupura, P.S.- Kairana, Dist-Samli (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 21-08-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Dumra P.S. Case No. 306 of 2018**, instituted for the offence under Section (s) 272 and 273/34 of the Indian Penal Code, Sections 30(A), 38 and 41 of Bihar Prohibition & Excise Act, 2016.

Prayer for bail of the petitioner was earlier rejected by this Court vide order dated 4.12.2018 passed in Cr. Misc. 66169 of 2018 with liberty to renew the prayer for bail after six months in the event the trial is not concluded within aforesaid period.

Report was called for from the court below which has been received. From the report it appears that out of seven witnesses, four have already been examined. The case was fixed for prosecution evidence on 2.8.2019. The case is now pending for appearance of co-accused Sayeed Ali as he did not appear in



the court nor any pairvi was made on his behalf. His bail bond has been cancelled and non bailable warrant of arrest has been issued against him.

There is no likelihood of the trial being concluded within a short period.

Petitioner is in custody since 9.8.2018 having clean antecedent.

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 A.D.J.-II cum Special Judge, Excise Act, Sitamarhi**, in connection with **Dumra P.S. Case No. 306 of 2018**, 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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