

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27019 of 2020

Arising Out of PS. Case No.-10 Year-2014 Thana- SALAIYA District- Aurangabad

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KAPIL BHUIYA @ TAPESHWAR BHUIYA @ TEPESHAR RIKIYASHAN,
S/o Ramdeo Bhuiya R/o Village- Dugal Tola, jagaroop Bigha, P.S.- Kasma,
District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 14-12-2020 Heard Mr. Ashok Kumar, learned counsel for

the petitioner and learned APP for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 556 of 2018 / 417 of 2018, arising
out of Salaiya P. S. Case No. 10 of 2014 (G. R. No.
389 of 2014), instituted for the offences under Sections
147, 148, 149, 341, 307, 353 and 124A of the Indian
Penal Code; Sections 25(1-b)a, 26 and 35 of the Arms
Act, 1959; Sections 3 and 4 of the E.S. Act; and Section
17 of the C. L. A. Act.

The prayer for bail of the petitioner was earlier



rejected *vide* order dated 03.02.2020 passed in Cr. Misc. No. 47607 of 2019 with the liberty to the petitioner to renew his prayer for bail after framing of charge.

The petitioner is in custody since 13.07.2018.

A report had been called for by this Court regarding the stage of this case, which report has since been received. The charges in this case have already been framed.

The learned counsel for the petitioner has further submitted that some of the other accused persons of this case have been granted bail.

It has further been submitted by the learned counsel for the petitioner that though he has been made in several cases about which reference has been made in paragraph 3 of the bail petition but in 8 out of those 13 cases so lodged against him, he has been granted bail.

He further submits that after the petitioner was made accused in one case and thereafter he was



remanded in all other cases.

Regard being had to the period of custody of the petitioner and the fact that the charges in this case have already framed and that the petitioner was given the liberty to renew his prayer for bail after the framing of charge, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

The petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 2nd Aurangabad (Bihar), in connection with Sessions Trial No. 556 of 2018 / 417 of 2018, arising out of Salaiya P. S. Case No. 10 of 2014 (G. R. No. 389 of 2014).

The petition stands allowed.

However, the petitioner shall participate in the trial proceedings and his unauthorized absence from the trial proceedings on two occasions would render his bail



liable to be cancelled. The petitioner shall not move away from the territorial confines of the court, where the trial would be held. The petitioner shall also get his presence marked every week before the Officer Incharge of the concerned police station. At the time of furnishing of the bonds, the court below shall insist for a separate undertaking by one of the bailors, who would be a close relative of the petitioner, that he shall ensure that the petitioner participates in the trial. The mobile telephone number of the bailors and the petitioner shall be furnished and those mobile telephones shall be kept in operative condition. The breach of any one of the conditions imposed by this Court shall render the bail of the petitioner liable to be cancelled.

(Ashutosh Kumar, J)

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