

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87490 of 2019

Arising Out of PS. Case No.-79 Year-1986 Thana- PIPRA District- East Champaran

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Yogi Baitha S/o Late Makhan Baitha R/o village- hardiyabad (Chintamanpur),
P.S.- Pipra, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 22-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Jitendra Narain Sinha, learned counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

This is an application for bail in a case of misuse.

The petitioner was made accused in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 307, 225 and 224 of the Indian Penal Code.

The accusation is based on the fardbeyan of one Suresh Chaubey recorded on 17.09.1986 by the SHO, Pipra Police Station, is to the effect that on account of illness of the informant's brother, the informant was working as a Dafadar in the Pipra Police Station and hence, the informant was in search of an accused namely, Bundela Thakur on the direction of his



superior authorities and in that course, the informant came to know that said Bundela Thakur was in his house, whereupon the informant along with others raided the house of Bundela Thakur and apprehended him. It is alleged that on the way to the police station, several persons including the petitioner came and got Bundela Thakur released from the custody of the informant.

It is submitted by learned counsel for the petitioner that the petitioner was earlier granted bail but, after 18 years of his appearance, the date was fixed for charge on 10.10.2004 when the petitioner failed to appear and his bail bond was cancelled. Thereafter, the petitioner was arrested and remanded in the present case on 30.09.2019 and since then, he is languishing in judicial custody but till date, no progress has been made in the trial. It is further submitted that the petitioner undertakes to regularly appear in the case on each and every date.

Learned APP for the State submits that the petitioner has misused the privilege of bail.

Considering the fact that the case was registered in 1986 but for 18 years the petitioner was in appearance but the trial was not concluded, the petitioner is languishing in custody since 30.09.2019 and there is nothing on record to suggest any



progress in the trial, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge- 3rd, East Champaran, Motihari in connection with Sessions Trial No. 279 of 1993, arising out of Pipra P.S. Case No. 79 of 1986.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Sessions Judge- 3rd, East Champaran, Motihari in connection with Sessions Trial No. 279 of 1993, arising out of Pipra P.S. Case No. 79 of 1986.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in



physical mode will not resume in next three months.

However, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner defaults for two consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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