

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31961 of 2020

Arising Out of PS. Case No.-91 Year-2010 Thana- MAHESI District- East Champaran

Bajrangi Mahto, Son of Janak Mahto, Resident of Village- Amwa Bara, P.S.-
Mehsi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 05-04-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner, being the husband, seeks bail in connection with Sessions Trial No.209/2011 arising out of Mehasi P.S. Case No.91 of 2010 registered for the offence punishable under Sections 304B and 201/34 of the Indian Penal Code.

It is stated that after remaining in custody since 29.10.2010, the petitioner was allowed bail nearly three years later, i.e., on 05.08.2013. On account of communication gap with his counsel, he could not appear before the court and was declared an absconder on 13.08.2019. He thereafter was arrested on 15.07.2020.

Now, it has been about eight months since his arrest



and altogether he has remained in custody for three and a half years. The submission is that the petitioner shall appear on day to day basis at the trial in the event he is enlarged on bail.

As per the report of the trial court dated 26.02.2021, received in this case, still summonses have been issued to produce remaining independent witnesses so that after their examination, the court may summon the Investigating Officer also for his examination.

Considering the aforesaid facts and circumstances, including the total period of custody of the petitioner, this Court is inclined to allow the prayer for bail.

Accordingly, 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 15th Additional District & Sessions Judge, East Champaran, Motihari, in connection with Sessions Trial No.209/2011 arising out of Mehasi P.S. Case No.91 of 2010, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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