

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42738 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- MAHESI District- East Champaran

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PRABHAT KUMAR, aged about 22 years (Male), son of Baban Prasad Yadav, resident of Village - Thatiya Got, P.S. - Kathaiya, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sourav Suman, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 08-09-2021 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the parties.

This application for regular bail arises out of Mahesi P.S. Case No. 134 of 2020, registered for the offence punishable under Section 395 of the Indian Penal Code.

The petitioner's prayer for regular bail was earlier rejected by an order dated 05.03.2021 passed in Criminal Miscellaneous No.36240 of 2020 with an observation that the petitioner may renew his prayer for bail after six months if in the meanwhile there was no progress at the trial. Accordingly, this application has been filed renewing the prayer for bail.



Learned counsel for the petitioner has drawn my attention to an order dated 09.07.2021 passed in Criminal Miscellaneous No.3547 of 2021 and Criminal Miscellaneous No.10716 of 2021 whereby co-accused namely, Mani Kumar and Chandan Choudhary have been allowed regular bail. Attention has also been drawn to another order dated 16.07.2021 passed in Criminal Miscellaneous No.2441 of 2021 whereby co-accused Anil Kumar has been allowed regular bail.

On perusal of the case of the prosecution and the orders passed by the co-ordinate Benches of this Court, as referred to by learned counsel for the petitioner, I find substance in the submission made on behalf of the petitioner.

Learned Additional Public Prosecutor has though opposed the prayer for bail but he has not been able to distinguish the case of the petitioner with those who have been granted regular bail.

Considering the above, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned 4th Additional District & Sessions Judge, Motihari, East Champaran, in Mahesi P.S. Case No. 134 of 2020.



This is subject to the condition that the petitioner shall present himself before the Police / Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

P. Tiwari/-

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