

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1256 of 2021**

Arising Out of PS. Case No.-17 Year-2019 Thana- DAWATH District- Rohtas

JAY PRAKASH @ BHUER @ JAI PRAKAR Son of Late Jagdish Paswan
Resident of Village- Malia Bag, P.S.- Dawath, Distt- Rohtas at Sasaram

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Session Trial No. 236 of 2019 arising out of Dawath P.S. Case No. 17 of 2019 registered for the offence under Sections 344, 366, 370(3) of the Indian Penal Code.

Earlier the prayer for bail of the petitioner has been rejected by order dated 02.06.2020 vide Cr. Misc. No. 53243 of 2019.

Learned counsel for the petitioner submits that the



petitioner is in custody since 11.04.2019 but not a single witness has turned up after framing of charge.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the prayer for bail of the petitioner was earlier rejected vide order dated 06.02.2020 passed in Cr. Misc. No. 53243 of 2019, however, the petitioner has remained in jail for about two years approximately but according to the statement made in paragraph '8' of the present application after framing of charge not a single witness has turned up in this case, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIV, Rohtas at Sasaram in connection with S.Tr. No. 236 of 2019 arising out of ffDawath P.S. Case No. 17 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the petitioner shall appear in the trial court on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall invite cancellation of bail bonds by the learned court below itself.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

