IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38613 of 2022

Arising Out of PS. Case No.-491 Year-2018 Thana- GARKHA District- Saran

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Vishal Kr @ Rohan Kr @ Vishal Kumar @ Rohan Son Of Rana Lal Yadav R/O Village/Mohalla- New Narayanpur Colony, Gudri Bazar, P.S.- Bhagwan Bazar, Distt.- Saran

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bishwajeet Singh
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

4 21-09-2022 Heard the learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence punishable u/s 394, 302 of the IPC.

Earlier, the prayer for bail of this petitioner was rejected twice vide order dated 26.06.2020 passed in Cr. Misc. No.488 of 2020 and 25.08.2021 passed in Cr. Misc. No.15402 of 2021 by this Court with a direction to the trial court to conclude the trial within nine months.

The petitioner has now filed this application for bail.

Vide order dated 27.07.2022, a report was called for, regarding the stage of trial. In compliance thereof, a report sent by learned Additional Sessions Judge-VII, Chhapra, Saran dated 01.09.2022, is kept at flag 'A', whereby it is submitted that charge has been framed against the petitioner but no witness has

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been examined till date and the petitioner is in custody since 08.08.2019.

Considering the submissions made in the report and that petitioner is in jail since 08.08.2019 i.e. for more than three years, the above named petitioner, is directed to be enlarged on bail on furnishing bail bond of Rs. 250000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below in connection with Garkha P.S. Case no. 491 of 2018, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his

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bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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