

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.987 of 2022

Arising Out of PS. Case No.-163 Year-2004 Thana- COMPLAINT CASE District- Banka

1. MD. IRSHAD Son of Md. Ekram Resident of Village - Garibpur, P.S. - Amarpur, District - Banka.
2. MD. SUMAN Son of Md. Jumman Resident of Village - Garibpur, P.S. Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in connection with Complaint Case no. 163C of 2004 wherein cognizance has been taken under sections 323, 379 and 504 of the Indian Penal Code.

From the materials on record it transpires that the petitioners surrendered in the instant case on 11.6.2004 and were enlarged on bail by the learned court below.

It is submitted by learned counsel for the petitioners that on account of *pairvi* not being done in the case, the bail bond of the petitioners was cancelled by the learned court below vide order dated 13.7.2016. On learning about the same the petitioners surrendered on 29.9.2021 and are in custody for more than four months. They



undertake to abide by all the conditions which may be laid by this Court and shall cooperate in the trial. It is submitted that in a case of misuse of privilege of bail they have remained in custody for more than four months. A supplementary affidavit has been filed on behalf of the petitioners stating therein about the death of father of the petitioner no. 2.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the two petitioners are directed to be enlarged on bail in connection with Complaint Case no. 163C of 2004 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Banka.

It is directed that in case the petitioners are not properly represented on two consecutive dates or do not cooperate in the trial, the learned trial court may cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

Spd/-

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