

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17517 of 2023

Arising Out of PS. Case No.-360 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Pappu Kumar @ Pappu Sahni, Son of Umashankar Sahni, Resident of
Village- Madhuban Kanti, P.S.- Minapur (Panapur O.P.), District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Satya Prakash Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-05-2023 Heard Mr. Krishna Prasad Singh, learned senior
counsel, duly assisted by Mr. Satya Prakash Sinha, learned
counsel for the petitioner and learned APP for the State.

This is the second attempt made by the petitioner for
grant of his bail, who is in custody in connection with
Muzaffarpur Town (Sikandarpur O.P.) P.S. Case No. 360 of
2020 registered for the offences punishable under Sections 420,
379, 467, 468, 471/34 of the Indian Penal Code and Sections
25(1-b)a/26/35 of the Arms Act.

Earlier the prayer for grant of bail of the petitioner
was turned down vide order dated 05.07.2022 in Cr. Misc. No.
43499 of 2021 after taking into consideration the statement of



the petitioner leading to recovery of huge amount, apart from his criminal antecedent.

It is submitted by the learned senior counsel appearing on behalf of the petitioner that from the F.I.R. it would be evident that all the offences are triable by the Magistrate and so far the petitioner is concerned he is in custody since 06.10.2020 and, as such, he has already spent more than 2½ years in the custody. Further submission has been made that now the charges have already been framed on 08.02.2023, the order-sheet of which has been brought on record by filing supplementary affidavit. It is next submitted that after framing of the charge, till date not even a single witness has been examined and there is no likelihood of conclusion of the trial in near future.

The aforesaid submission of the petitioner has vehemently opposed by the learned APP for the State and submission has been made that the prayer of the petitioner has already been rejected on merit and there is no overwhelming circumstance to renew his prayer for bail, apart from the criminal antecedent.

Regard being had to the submissions made on behalf of the parties and considering the fact that the charges have already been framed and the present is a magisterial triable case,



moreover, the petitioner has already spent more than 2 ½ years in custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town (Sikandarpur O.P.) P.S. Case No. 360 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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