

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49619 of 2022**

Arising Out of PS. Case No.-20 Year-2015 Thana- CHANPATIA District- West Champaran

SANJAY GIRI @ GIRI BABA Son of Late Rameshwar Giri Resident of
Village - Englishiya, Police Station- Chautarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bashistha Narayan Mishra
	:	Mr.Brij Kishore Mishra
	:	Mr.Sachida Nand Rai
For the Opposite Party/s :		Mr.Nand Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 02-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 524/2016, C.I.S. No. 381/2016 arising out of
Chanpatia P.S. Case No. 20/2015 registered for the offences
punishable under Sections 394, 307, 412, 413 of the Indian
Penal Code and Section 27 of the Arms Act.

This is a case of misuse of privilege of bail.

Learned counsel for the petitioner submits that the
petitioner was granted bail vide order dated 11.08.2016 passed
in Cr. Misc. No. 31171/2016 by a co-ordinate Bench of this
Court but later on 31.08.2018 his bail bond was cancelled due to
non-appearance of the petitioner. He further submits that the



petitioner has been arrested on 15.03.2022 and since then he is in custody. Learned counsel for the petitioner further submits that petitioner went for earning livelihood to Jammu, where he became ill and he could not able to come for physical appearance but on his behalf a petition under Section 317 of the Code of Criminal Procedure was filed on 31.08.2018 which was dismissed by the learned trial court and his bail bond was also cancelled issuing non-bailable warrant on the same day. He further submits that the petitioner undertakes that he will appear before the trial court on each and every date and will never misuse the privilege of bail in future.

The learned A.P.P. for the State does not controvert the said submission.

Considering the aforesaid submissions as well as facts and circumstances of the case and also period of custody, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-9th, Bettiah, District-West Champaran in connection with Sessions Trial No. 524/2016, C.I.S. No. 381/2016 arising out of Chanpatia P.S. Case No. 20/2015, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without appropriate permission of the trial court, his bail bond shall be cancelled by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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