

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16968 of 2024

Arising Out of PS. Case No.-35 Year-2002 Thana- GAYA MUFASIL District- Gaya

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Birbal Sao Son of Late Kuldeep Sao @ Radhey Sao R/o Mohalla- Vishnupad,
P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Earlier, the stage of the trial was called for and the
same has been received and kept at flag-A.

3. The petitioner seeks bail in connection with
Muffasil P.S. case No. 35 of 2002 instituted for the offences
under Section 392 of the Indian Penal Code.

4. Prosecution case, in short, is that co-accused Sanjay
Singh along with three other unknown miscreants threatened the
informant and took away her money.

5. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. The
present case is the case of misuse of privilege of bail earlier



granted to the petitioner. Learned counsel further submitted that on 27.09.2002, the petitioner was granted bail. Learned counsel further submitted that the bail bonds of the petitioner got cancelled on 19.03.2010, thereafter, proceedings under Section 82/83 of the Cr.P.C. were initiated. Learned counsel further submitted that on 01.11.2023, the petitioner surrendered in the learned Court below and since then, he is languishing in jail. Learned counsel further submitted that petitioner has not deliberately misused the privilege of bail granted to him. Learned counsel further submitted that petitioner undertakes to abide by any condition(s) imposed by this Court, if released on bail.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, as also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. case



No. 35 of 2002, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on any date, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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