

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17668 of 2014

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1. Sharwan Mukhia, S/O Giyan Chandra Mukhia
2. Raj Kumar Mukhia, S/O Late Baso Mukhia Both resident of Village Ratnaha, P.S. Allauli, District Khagaria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party : Mr. Subhash Chandra Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 29-05-2014 Heard learned counsel for the petitioners and the State.

The petitioners were on bail in the case registered under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code and Section 27 of the Arms Act but for misusing the privilege of bail since 29.10.2004, both have been declared absconder, were caught on 23.12.2013 and since then they are in custody.

Learned counsel for the petitioners seek release of the petitioners placing their innocence, false implication and submitting that as ill-luck would have been the petitioners after entrusting the pairvi went outside to earn their livelihood but their pairvis were left resulting they are suffering in custody.

The learned APP opposes the prayer for bail by submitting that this is misuse of privilege of bail for about ten years.

Considering the period of abscondence and period of detention now the petitioners Sharwan Mukhia and Raj Kumar Mukhia are directed to be released on bail on execution of bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned IIIrd Ad hoc Additional Sessions Judge, Khagaria in connection with Sessions Case No. 80 of 2014, arising out of Allauli P.S. Case No. 36 of 1998, subject to the condition that one of the bailors must be near relative and the other having sufficient immovable property within the jurisdiction of the trial court and the petitioner shall remain present on each and every date during the trial and two consecutive defaults without any reasonable cause shall disentitle the petitioner from the privilege of bail.

(Jitendra Mohan Sharma, J.)

KKSINHA/-