

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40727 of 2015

Arising Out of PS.Case No. -92 Year- 2014 Thana -GOGRI District- KHAGARIA

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1. Md. Sarfaraz, son of Md. Rasid
2. Md. Sajjad, son of Late Md. Jafil
Both residents of village - Mirzapur Bardah, P.S. Muffasil, District Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
Mr. Kamal Kishore Jha, Adv.

For the Opposite Party/s : Mr. T.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 16-12-2015

Heard the parties.

The prayer for bail of the petitioners was earlier rejected by an order dated 04.03.2015 passed in Cr.Misc.No.1342 of 2015 vide Annexure-1 with an observation that if the trial of the petitioners is not concluded within a period of six months, then they shall be at liberty to renew their prayer for bail.

The learned counsel appearing on behalf of the petitioners submits that the petitioners are in judicial custody since 26.05.2014 and they are men of absolutely fair antecedent. It is further contended that despite the order/direction of this Court, the trial of the petitioners has not been concluded till date.

The learned Addl. P.P. appearing on behalf of the State, though has opposed the prayer for bail, but he has not been able to dispute the aforesaid submissions.

In the aforesaid facts and circumstances, particularly taking into consideration the period of incarceration, the prayer for bail made on behalf of the petitioners is allowed. The petitioners

above named are directed to be released on bail on furnishing bail bond of Rs.25,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Khagaria in connection with Sessions Case No.319 of 2014 arising out of Gogari P.S. Case No.92 of 2014, subject to the conditions that:

- (a) One of the bailors shall be government servant
- (b) other bailor shall be either the family members of the petitioners or their close relation, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (c) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (d) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Arvind/-

(Birendra Prasad Verma, J)

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