

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48859 of 2015

Arising Out of PS.Case No. -21 Year- 1987 Thana -C.B.I CASE District- PATNA

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1. Afzal Hussain Son of late Abdul Hamid resident of Village- Bhakurabiya
P.s Nakardei District East Champaran. Petitioner/s

Versus

1. The State of Bihar null null
2. The Vigilance North Bihar Muzaffarpur. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Vigilance : Mr. R.K. Sharma Sr. Adv.
Mr. Santosh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 16-12-2015 Heard the learned counsel for the petitioner and

learned counsel for the Vigilance.

The petitioner was on bail but he left doing pairvi since 01.08.1995 in the case, resulting his bail bond was cancelled and inspite of issuance of non-bailable warrant of arrest and process, he remained absconding and after long gap of about 20 years, he surrendered in the Court on 21.08.2015.

Submission is that the petitioner was on bail but thereafter the entire case record was transferred from Patna to Special Judge, Vigilance court, Muzaffarpur and from there the petitioner did not receive any summon, and in the mean time, the petitioner was suffering from serious illness and he remained under treatment, resulting he did not take any proper step and, as such, the delay caused is not intentional. The trial is also not likely

to be concluded because up till now, charge has not been framed and the court is still vacant.

The learned counsel, representing the vigilance department, opposes the prayer of bail by submitting that this is case of long misuse of privilege of bail.

In the facts and circumstances stated above, considering the report dated 11.12.2015 of Incharge, Special Judge, Vigilance North Bihar, Muzzafarpur that the case is pending for hearing on charge and the Court is vacant and, as such, considering the age of the petitioner and the detention at this stage now he is directed to be released on bail on execution of bail bond of Rs. 50,000/- (fifty thousand) with two sureties of the like amount each to the satisfaction of the Learned Special Judge, vigilance North Bihar, Muzaffarpur arising out of Patna Nigrani P.S. Case No. 21 of 1987 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)