

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4082 of 2016

Arising Out of PS.Case No. -253 Year- 2006 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Umesh Bhagat S/o Late Vishar Bhagat Resident of village - Senduari
Purushottam, P.S. Motipur, District - Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 09-02-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner was all along on bail and on his behalf a
petition under Section 317 of the Cr.P.C. was filed before the trial
court on 04.06.2010 but the learned trial court rejected the
aforesaid petition as the case was pending for framing charge
against the petitioner and other accused. Subsequently, non
bailable warrant of arrest was issued and on the strength of non
bailable warrant, petitioner was arrested and remanded before the
trial court on 30.07.2014 and since then petitioner is languishing
in jail custody.

It would appear from perusal of the impugned order

that due to non cooperation of petitioner and other accused even charge could not be framed in a serious case of Section 364A/34 of the Indian Penal Code but admittedly, petitioner is in jail custody since 30.07.2014 and there is nothing on the record to show that due to non cooperation of the petitioner charge could not be framed after his remand in the present case. Petitioner does not have any criminal antecedent.

Considering the period of detention of the petitioner in jail custody as well as submissions of the parties, 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 1st Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 38 of 2007 arising out of Muzaffarpur Town P.S. Case No. 253 of 2006.

(Hemant Kumar Srivastava, J)

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