

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8640 of 2016

Arising Out of PS.Case No. -142 Year- 1986 Thana -JHANJHARPUR District- MADHUBANI

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1. Kailash Dhobi @ Kailash Baitha son of Late Sitaram Baitha, Resident of
village- Bairgania Sinduria, P.S. Bairganiya, Distt.- Sitamarhi
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 29-02-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

It would appear from the perusal of first information report that Jhanjharpur P.S. case No. 142 of 1986 was registered under section 392 of the IPC and under section 25(A), 26 and 27 of Arms Act and petitioner was made accused in that case. Furthermore, it would appear from the impugned order that petitioner was granted bail in course of trial and he attended trial till the year 2008 but on 27. 06.2008 a petition under section 317 of the Cr. P.C. was filed when the case was pending for argument but the aforesaid petition was rejected and non bailable warrant of arrest was issued against the petitioner. Subsequently, the petitioner was declared absconder in the year 2009 but petitioner was again remanded in the present case on 14.11.2015 and since then he is languishing in custody. There is nothing in the impugned order to

show what steps were taken by the court concerned for disposal of above stated case because, according to impugned order itself, the aforesaid case was pending only for the argument.

Considering the facts aforesaid and submission of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Jhanjharpur (Madhubani) in connection with Jhanjharpur P.S. case No. 142 of 1986 (G.R. No. 774 of 1986).

However, learned Sub-divisional Judicial Magistrate, Jhanjharpur (Madhubani)/ concerned court is directed to dispose of Jhanjharpur P.S. case No. 142 of 1986 bearing Trial No. 388 of 2008 within three weeks from the date of receipt/ production of a copy of this order and after disposal of the aforesaid case the concerned Magistrate shall send a report to the learned District & Sessions Judge, Madhubani who, in turn, shall transmit the aforesaid report to this court.

(Hemant Kumar Srivastava, J)

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