

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17526 of 2016

Arising Out of PS.Case No. -38 Year- 1990 Thana -BAKHTIYARPUR District- PATNA

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1. Ram Babu Rai
2. Vinay @ Dinesh Rai Sons of Late Ramji Rai resident of village -
Ramnagar Satbhaiya, Police Station Bakhtiarpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Anita Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 03-05-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered under

Sections-307, 337 & other minor sections of the Indian Penal

Code and 27 of the Arms Act.

Petitioners appear to have jumped bail in the year,

2000 and subsequently, their bail bonds was cancelled on 05-02-

2004 but later on, they voluntarily, surrendered before the court

below on 07-01-2016 and since then, they are languishing in jail

custody.

Contention on behalf of the petitioners is that the

present case was lodged in the year, 1990 and charge was framed



in the year, 1995 but even after a lapse of more than 5 years, not a single witness could be examined by the prosecution and, thereafter, petitioners went outside the State in connection with their livelihood, entrusting pairvi to their advocate's clerk but unfortunately, the concerned advocate's clerk did not make proper pairwi as a result whereof, the bail bonds of the petitioner was cancelled. It is further submitted that the concerned advocate's clerk did not give any information, regarding cancellation of bail bonds and when petitioners came to their home, they learnt about the cancellation of their bail bonds and, without wasting single day, they surrendered before the court.

Considering the period of detention of the petitioners in jail custody as well as above-said facts and circumstances of the case, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Bakhtiarpur P.S. Case No. 38 of 1990 corresponding to Sessions Trial No. 480 of 1992 to the satisfaction of Learned Additional Sessions Judge-I, Barh, Patna subject to condition that one of the sureties must be close relative of the petitioner, who will sworn an affidavit as to how, he is related with petitioners and, apart from this, petitioners shall attend the

trial court, in person on each and every date for a period of six months or till conclusion of his trial, whichever is earlier and if, they fail to do so on two consecutive dates without any reasonable cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Hemant Kumar Srivastava, J)

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