

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6880 of 2016

Arising Out of PS.Case No. -170 Year- 2014 Thana -PHULWARIA District- BEGUSARAI

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1. Saroj Kumar Rai @ Bundela Rai Son of Sudhir Rai resident of village -
Sokhara, Kalambagh, P.S. Phulwaria, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Smt. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 30-03-2016

Heard the Counsel for the petitioner and learned APP

for the State.

This is repeat application seeking bail in Phulwaria
P.S. Case No. 170 of 2014 registered under sections 25(1-b)a and
26 of the Arms Act. His prayer for bail was earlier considered and
rejected vide order dated 25.6.2015 (Annexure-1) observing as
under:-

“Considering the aforesaid facts, I am not
inclined to grant bail to the petitioner for the present.
His prayer for bail is accordingly rejected. He shall
have liberty to renew his prayer if the trial does not
record adequate progress within five months from the
date of receipt/production of a copy of this order in
the court below.”

It is stated that the petitioner continues to incarcerate
since 7.11.2014. In the cases cited in paragraph 3 of the bail
application, he has been set at liberty by the Court. Relevant

statements in this regard have been made in the supplementary affidavit. Referring to the order-sheet of the Trial Court (Annexure-3), it is stated that the trial has not recorded adequate progress inasmuch as charges have not been framed.

Considering the facts and circumstances of the case, the petitioner abovenamed is directed to 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 Sri Rahul Kishore, Judicial Magistrate, 1st Class, Begusarai in Phulwaria P.S. Case No. 170 of 2014 subject to the following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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