

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57703 of 2015

Arising Out of PS.Case No. -432 Year- 1997 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

Ras Bihari Rai, son of Jangi Rai R/o Village-Chilahar, P.O. - Indaur, P.S.
Itarhi, District Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Adv.

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 25-01-2016 Heard Sri Ashutosh Singh, learned counsel for the
petitioner and Sri Madan Kumar, learned Addl. Public Prosecutor.

The petitioner is in custody due to misuse of bail.
Earlier, the petitioner was granted bail by this Court vide
Cr.Misc.No.14976 of 2002. However, subsequently his bail bond
was cancelled and the petitioner was arrested in another case, in
the present case he was remanded on 16.07.2013 and since then
he is in custody.

The petitioner has prayed for grant of bail in Sessions
Trial No. 349 of 2001 (arising out of Sasaram P.S. Case
no.432/1997, G.R. No.1504/97) registered for the offence under
Sections 364(A), 120B/34 of the Indian Penal Code. It was
submitted by learned counsel for the petitioner that due to bona

fide mistake, the petitioner failed to keep track of the case and his bail bond stood cancelled. He further submits that even after re-arrest, in the trial no positive step has taken place.

Learned Addl. Public Prosecutor, opposing the prayer for bail, submits that due to non-appearance of two co-accused the trial was separated and charge has already been framed.

Since earlier the petitioner was already granted bail and thereafter he is in custody since 2013 without examination of witnesses during trial, let the petitioner 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 Adhoc A.D.J.-IIIrd, Rohtas at Sasaram in connection with Sasaram P.S. Case no.432/1997, G.R. No.1504/97 on conditions that (i) one of the bailors must be close blood relation of the petitioner and (ii) during trial, on each and every date the petitioner shall remain physically present in the court below. If continuously on two dates, the petitioner fails to appear without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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