

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46472 of 2016

Arising Out of PS.Case No. -10 Year- 1994 Thana -KHAGARIA GRP CASE District- KHAGARIA

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MD. FIROJ ALAM @ FIROJ ALAM, S/o Late Abub Ali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 24-10-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present case was lodged in the year 1994 for the offences punishable under Sections-379 & 411 of the Indian Penal Code and it appears from the impugned order that the petitioner was granted bail but he misused his privilege of bail and subsequently, he was declared absconder. However, the petitioner was arrested on 29-10-2010 on the strength of permanent warrant, issued against him but subsequently, granted bail by the court with condition to deposit some cash. The learned Sessions Judge also mentioned in his impugned order that again, the petitioner left his Pairvi in the year, 2011 and subsequently, his bail bond was cancelled on 18-07-2012. However, the petitioner could be arrested and remanded on 10-08-2016 and since then, he is

languishing in jail custody. The aforesaid fact goes to show that for the first time, the petitioner declared absconder in the year, 2010 and, therefore, it is obvious that even such a long delay, the trial of the petitioner for a petty offence could not be concluded.

Considering period of detention of the petitioner in jail custody as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Khagaria Rail P.S. Case No. 10 of 1994 to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Khagaria subject to condition that one of the sureties must be close relative of the petitioner and, furthermore the petitioner 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, he fails 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 petitioner.

A.K.V./-

(Hemant Kumar Srivastava, J)

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