

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17281 of 2016

Arising Out of PS.Case No. -111 Year- 2014 Thana -KHAIRA District- SARAN

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Ajhar Khan, son of Shaheb Khan, resident of Village- Chotaka Tarwan, P.S.
Mufassil, Dist- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Dr. Amarendra Kumar, Advocate
Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad (APP)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 05-05-2016 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for offence punishable under Sections 419, 420, 406, 467 and 468 of the Indian Penal Code.

The petitioner's prayer for grant of bail was earlier rejected vide Annexure-1 dated 16.10.2015, however, it has been observed in the order that this Court would not be inclined to grant privilege of bail to the petitioner at that stage.

It is contended on behalf of the petitioner that the case is triable by Magistrate unless and until it is found by the Magistrate that the offence under Section 420 I.P.C. is of serious nature and it is required to be tried by the Court of Sessions. It is further contended that the petitioner has already remained in custody for

more than one year. It is urged that there is no progress in the trial at all as the case is pending for supply of police paper and now the court has remained vacant since 21.12.2015.

Considering the facts and circumstances of the case, the petitioner, namely, Ajhar Khan is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri S.B. Bharti, Judicial Magistrate, 1st Class, Saran at Chapra in connection with Khaira P.S. Case No.111 of 2014, with a further condition that one of the bailors must be a close relative or family member of the petitioner who shall file affidavit before the concerned court giving complete genealogy to show his/her relationship with him.

If the petitioner, after his release in this case, is again found involved in similar nature of cases then the concerned court would be at liberty to take steps for cancellation of his bail bonds.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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