

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50371 of 2016

Arising Out of PS.Case No. -41 Year- 2015 Thana -SISWAN District- SIWAN

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Ashok Kuamar Gupta @ Ashok Kumar Halwai Son of Sheoji Gupta
(Halwai) Resident of village - Chainpur, P.O. Chainpur, P.S. Siswan (Chainpur O.P.), District Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-11-2016 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner has renewed his application for grant of bail in connection with Siswan (Chainpur O.P) P. S. Case No. 41 of 2015 registered under Sections 461, 379, 411 read with 34 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected by this Court vide order dated 14.12.2015 passed in Cr. Misc. No. 56018 of 2015 with a liberty to the petitioner to renew his prayer for bail before this Court, if the trial is not concluded within nine months from the date of receipt/production of a copy of this order.

It is contended by the learned counsel for the

petitioner that the order passed by this Court was immediately uploaded and transmitted to the court below. Till date, even the trial has not been commenced. It is contended that the trial court has erroneously recorded in its order refusing bail to the petitioner that the order passed by this Court was brought to its notice only on 15.09.2016 when the petitioner moved an application for bail.

I find substance in the argument of learned counsel for the petitioner. It is well known that every order granting or refusing bail is being transmitted to the court below forthwith. It is not for the accused to file an application before the court below and submit that a particular order has been passed in a particular case. Moreover, the petitioner has remained in custody for about 19 months.

Considering the nature of the offence and the period spent in custody, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand only) with two sureties of the like amount each to the satisfaction of learned ACJM-VI, Siwan in Siwan (Chainpur O.P) P. S. Case No. 41 of 2015.

(Ashwani Kumar Singh, J.)

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