

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23997 of 2017

Arising Out of PS.Case No. -62 Year- 2016 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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Rahim Mian , Son of late Gul Jar Mian, Resident of Village- Malahi Tola,
Police Station- Bairiya, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Bashistha Naryan Mishra
Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-06-2017 Heard Sri Bashistha Narayan Mishra, learned counsel
assisted by Sri Brij Kishor Mishra, learned counsel for the
petitioner and Sri Rajendra Prasad Nat, learned Additional Public
Prosecutor .

This is second attempt for grant of bail on behalf of the
petitioner. Earlier , prayer for bail of the petitioner was rejected
on 19.10.2016 vide Cr. Misc. No. 34810 of 2016. By way of
placing a copy of the order dated 11.05.2017 passed in Cr. Misc.
No. 6443 of 2017 Sri Mishra submits that co- accused Ali Hasan
Mian, against whom there was serious allegation than the
petitioner, has already been granted bail. He further submits that
though the case was committed to the court of Sessions, the case
is still pending without adequate progress.

Learned Additional Public Prosecutor though has



opposed the prayer for bail, he was not in a position to distinguish the case of the petitioner from the case of Ali Hasan Mian who has been granted bail.

Considering the fact that other co- accused Ali Hasan Mian , though having serious accusation than the petitioner , has already been granted bail, there is no reason to further detain the petitioner.

Accordingly let the petitioner Rahim Mian be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 2nd, Bettiah, District – West Champaran / concerned court in connection with Sessions Trial No. 514 of 2016 arising out of Bairiya P.S. Case No. 62 of 2016 with condition that one of the bailors must be blood relation of the petitioner and secondly during trial on each and every date the petitioner shall remain physically present. If continuously on two dates petitioner fails to appear before the trial court without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

Praful/-

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