

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31448 of 2017

Arising Out of PS.Case No. -280 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Avinash Srivastava @ Amit Son of Late Lalan Srivastava, Resident of M.I. G. 30, Near the house of Mrinal Paswan, P.S.- Kankarbagh, District- Patna. A/p Near Chaurasiya College, In Flat of Upendra Rai, Flat No. 10, P.S. Industrial Area, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha,APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 12-07-2017 Heard Mr. Singh for the petitioner and Mr. Ajay Kumar Jha, APP for the State.

The present application seeks bail in Mahua P.S. Case No. 280 of 2016 registered under Section 414/34 of the Indian Penal Code and Section 25(1-b)A/26 of the Arms Act.

Considering the allegation and other incriminating material available against the petitioner, his prayer for bail was earlier considered and rejected vide order dated 09.12.2016 (Annexure-1). He was, however, granted liberty to renew prayer for bail after six months if the trial does not record adequate/sufficient progress.

It is submitted that the petitioner is in custody since 26.07.2016. The Counsel further submits that till date even



charges have not been framed by the learned Court below.

Upon hearing the Counsel for both the sides, this Court, while declining the prayer for bail, disposes of the application by the following order:-

Let the Trial Court take all requisite steps for framing of charge against the petitioner preferably within 03 (three) months. As soon as the charges are framed, the learned Court below shall release the petitioner on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each subject to the following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) The petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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