

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13254 of 2017

Arising Out of PS.Case No. -129 Year- 2015 Thana -ALAMNAGAR District- MADHEPURA

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Birbal Ray, son of Thoko Ray, Resident of Village- Orelabari, P.S.-
Srinagar, District- Purnea.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 19-04-2017 Heard Sri Nawal Kishore Singh, learned counsel,

assisted by Sri Alok Kumar Singh, learned counsel for the

petitioner and Sri Madan Kumar, learned Addl. Public Prosecutor.

This is the second attempt for grant of bail on
behalf of the petitioner in Alamnagar P.S. Case No.129/2015,
corresponding to Sessions Trial No.153 of 2016, registered for the
offence under Sections 363/ 366(A) of the Indian Penal Code.
Earlier the prayer for bail of the petitioner was rejected on
23.08.2016 vide Cr.Misc.No.34791 of 2016.

In this case, by order dated 29.03.2017, a report
from the court below was called for regarding stage of the case,
which has been received and kept at Flag-X. The report dated
07.04.2017 makes it clear that in the case, charge was framed on



05.11.2016. Despite issuance of summons and bailable warrant till date of report, the prosecution has not produced any witness.

Considering the fact that the petitioner is in custody since 20.04.2016 and even after framing of charge, the prosecution has not taken steps for producing the witnesses within a considerable time, let the petitioner, namely Birbal Ray be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction learned Addl. Sessions Judge-1st, Madhepura in connection with Sessions Trial No.153 of 2016 arising out of Alamnagar P.S. Case No.129/2015 with conditions that (i) one of the bailors must be blood relation of the petitioner and (ii) on each and every date, the petitioner shall remain physically present before the trial court. If continuously on two dates, he remains absent without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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