

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6519 of 2018

Arising Out of PS.Case No. -117 Year- 2016 Thana -KAMTAUL District- DARBHANGA

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1. Saroj Jha @ Saroj Kumar Jha, Son of Shobha Kant Jha, Resident of Village- Dudhaili, P.S.- Bisfi, District- Madhubani.
2. Md. Gulrez, Son of Md. Abdul Kalam, Resident of Village- Balha, P.S.- Bisfi, District- Madhubani.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ramashankar Singh, Advocate

For the Opposite Party : Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 12-02-2018 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners once again seek bail in connection with Kamtaul P.S. Case No. 117 of 2016 (G.O. No. 64/2016) for the offences alleged under Sections 277 and 120B of the Indian Penal Code and Section 47(K)(Chh) of the Bihar Excise Act, 2016.

3. The petitioners were earlier granted bail by orders dated 06.10.2016 and 26.11.2016 of this Court passed in Cr. Misc. No. 44687 of 2016 and Cr. Misc. No. 48409 of 2016, respectively but their bail bonds were however subsequently cancelled for default in appearance before the trial court. It is submitted that the matter was entrusted by the petitioners to the *pairvikar*/ Advocate Clerk who however, failed to represent the petitioners subsequently leading to cancellation of the petitioners' bail bonds on 17.11.2017. The petitioners have since been taken into custody on 12.12.2017 and have remained in jail thereafter. Petitioners undertake to remain present before the Court regularly and co-operate in the trial.



4. Having regard to the entirety of the facts and circumstances of the case and in the interest of justice, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned 4th Additional Sessions Judge cum Special Judge, Darbhanga, in connection with Kamtaul P.S. Case No. 117 of 2016 (G.O. No. 64/2016), with the following conditions___

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence.

(iii) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure to do so on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

B.T/Chandran

(Vikash Jain, J)

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