

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10632 of 2019**

Arising Out of PS. Case No.-108 Year-2013 Thana- KUNDWACHAINPUR District- East
Champanan

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Jahari Madari @ Jahir Madar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Madhuri Lata

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 03-04-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for State.

Petitioner is in jail custody since 25.10.2013 and earlier his prayer for bail was twice rejected by this court and while rejecting the bail prayer of the petitioner vide order dated 21.06.2017 passed in Cr. Misc. No. 16765 of 2017, this court directed the trial court to proceed with the trial of the petitioner, even by separating his case from the case of other absconders.

The learned trial court has sent letter no. 59, dated 11.03.2019, mentioning therein that the charge against the petitioner was framed on 12.09.2017 and even after issuance of summons of non-bailable warrant of arrest, the prosecution could not succeed to produce even a single witness. Furthermore, the report goes to show that the learned trial court sent letter to Superintendent of Police, East Champaran at Motihari as well as concerned I.G. for execution of



non-bailable warrant, issued against the prosecution witnesses but all went in vain.

The petitioner is said to have been caught with AK56 rifle and near about 60 cartridges. The petitioner does have criminal antecedent of near about 18 cases but petitioner is in jail custody for more than 6 years without any substantive progress in the trial and there appears to be no likelihood of conclusion of trial of the petitioner in near future because admittedly, up till now, prosecution could not succeed to produce even a single prosecution witness.

Considering the aforesaid facts and circumstances as well as submissions of the parties, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge, East Champaran at Motihari in connection with Kundawa Chainpur P.S. Case No. 108 of 2013, subject to condition that one of the bailors must be close relative of the petitioner and holder of landed property and furthermore, the aforesaid bailor shall swear an affidavit to this effect as to how he/she is related with the petitioner.

(Hemant Kumar Srivastava, J)

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