

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 66753 of 2018

Arising Out of PS. Case No.-40 Year-2016 Thana- Dumariya District- Gaya

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Rafique Ansari, Son of Late Siddique Ansari, Resident of Village + P.O.-
Adarchak, P.S.- Dumaria, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 20-02-2019 Heard Sri Krishna Kant Singh, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

This is second attempt for grant of bail. Earlier, by
order dated 20-11-2017 passed in Cr. Misc. No. 55506 of 2017,
the prayer for bail of petitioner was rejected.

Learned counsel for the petitioner submits that despite
the fact that petitioner is in custody since 16-08-2016, trial has
not adequately progressed. By order dated 19-12-2018, a report
was called for from the court below regarding stage of the case,
which has been received and kept at Flag 'P'. The report of
Additional Sessions Judge 8th, Gaya in letter no. 51 dated
08-02-2019 makes it clear that the case is still fixed for framing
of the charge.

Considering the fact that petitioner is in custody since



long, without even framing of the charge, the Court is of the opinion that he may not be further detained.

Let the petitioner namely, Rafique Ansari 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 of learned S.D.J.M., Sherghati (Gaya) in connection with Dumaria P.S. Case No. 40 of 2016, with condition that (i) one of the bailor must be blood relation of the petitioner, (ii) the petitioner shall remain present on the date of framing of charge, if it has not been framed till date and also during the trial, he shall remain physically present on each and every date. If continuously on two dates, the petitioner remains absent without prior permission of trial court, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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