

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70597 of 2018

Arising Out of PS. Case No.-7 Year-1987 Thana- KOTWA District- East Champaran

1. Harendra Rai S/o Bhikhari Rai @ Bhikhar Rai
2. Jai Rai S/o Gokhul Rai Both Resident of Village-Barkurwa P.S. Kotwa,
District East Champa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary

For the Opposite Party/s : Mr.Smt. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-02-2019 Heard learned counsels for the parties.

The petitioners have filed the present application for grant of bail in a case of misuse of the privilege of bail.

The petitioners were made accused in Kotwa P.S. Case No. 7 of 1987 registered for the offences punishable under Sections 365 and 408 of the IPC wherein the petitioners were granted default bail under Section 167 (2) of the Cr.P.C. vide order dated 21.5.1987 but, due to continuous absence, the bail bonds of the petitioners were cancelled by the learned Ist Additional Sessions Judge, East Champaran vide order dated 17.3.1998 and they were declared absconder vide order dated 24.9.2017.

The petitioners were arrested on 8.6.2018 and thereafter, charges have been framed vide order dated 6.7.2018 but thereafter, there is no progress in the matter.



It is submitted by learned counsel for the petitioners that the petitioners are ready to appear regularly in future. It is further submitted that the petitioners are in custody since more than seven months but the impugned order does not suggest any progress in the trial.

Learned APP submits that it is a gross case of misuse of bail for about twenty years.

Considering the fact that the petitioners are in custody since more than seven months, there is no progress in the trial and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM- V, Motihari, East Champaran in connection with Tr. No. 2340 of 2018 arising out of Kotwa P.S. Case No.7 of 1987.

The learned trial Court will positively cancel the bail bonds of the petitioners in case they default on two consecutive occasions.

(Dinesh Kumar Singh, J)

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