

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63664 of 2018

Arising Out of PS. Case No.-42 Year-1990 Thana- KESARIA District- East Champaran

Nawal Rai, S/o late Hardev Rai Resdient of Village-Bara Tola Benipur, P.S.
Kesariya Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Adv.

For the Opposite Party/s : Sri Sanjay Kumar Tiwary-I, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

This is a case of misuse of bail granted to the petitioner, who is accused in a case registered for the offences punishable under Sections 147,148,149,323,324,325,307 and 504 of the I.P.C. and is languishing in custody since 02.08.2018.

Though the case was registered in 1990 and the petitioner was granted bail, but he failed to appear in the matter since 11.12.2003, as a result his bail bond was cancelled on 21.11.2003 and thereafter warrant of arrest was issued against him for his appearance on 18.04.2016. The case was committed to the Court of Sessions on 19.05.2016 and thereafter, the petitioner surrendered before the learned Court below on 02.08.2018.



It is submitted by learned counsel for the petitioner that though the case was registered in 1990, but inadvertently since 11.12.2003, the petitioner could not appear in the matter. Though, the petitioner surrendered before the learned Court below on 02.08.2018, but there is nothing on record suggesting any progress in the trial. The petitioner will now regularly appear before the learned Court below.

Considering the fact that the petitioner has remained in custody about five months and there is no progress in trial, let the above named petitioner 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 7th Additional Sessions Judge, Motihari, East Champaran, in connection with Sessions Trial No.462 of 2016, arising out of Kesariya P.S. Case No.42 of 1990.

However, the learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

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