

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40883 of 2020

Arising Out of PS. Case No.-406 Year-2005 Thana- ARARIA District- Araria

Md. Rabban Son of Late Md. Sattar Resident Of Village- Islam Nagar,
Bangali Tola, Ward No. 27, P.S.- Araria, District- Araria Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Anant Kumar-1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Araria P.S. Case no. 406 of 2005 registered under sections 399 and 402 of the Indian Penal Code, sections 3 and 4 of the Explosive Substance Act and sections 25(1-B), 26(ii) and 35 of the Arms Act..

It is submitted by learned counsel for the petitioner that the petitioner was enlarged on bail vide order dated 19.10.2006 passed in Cr. Misc. No. 41428 of 2006 (Annexure-1). As a result of lack of information from the counsel conducting his case in the Court below, the bail bond of the petitioner was cancelled and he was declared absconder. It is submitted that the petitioner is in custody since 9.7.2020.

The application for bail is opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration that the petitioner had been enlarged on bail vide order dated 19.10.2006 and is in custody since 9.7.2020 i.e. for more than seven months, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Araria P.S. Case no. 406 of 2005 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st Class, Araria.

However, in view of the facts and circumstances of the case, it is directed that one of the bailors shall be a close relative of the petitioner and the petitioner shall remain personally present in course of trial in Court on each date.

In case, the learned Trial Court, is of the opinion that the trial is being delayed due to non-cooperation on the part of the petitioner, the bail bond of the petitioner may be cancelled and he may be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

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