

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25146 of 2022

Arising Out of PS. Case No.-278 Year-2019 Thana- MADHUBAN District- East Champaran

ISRAIL MIAN @ MOHAMMAD ESRAIL MIYAN S/o Manif Miyan
Resident of Village- Madhuban Samim Tola, P.S.- Madhuban, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-06-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 519 of 2021, arising out of Madhuban Police
Station Case No. 278 of 2019, registered for the offences
punishable under Sections 363/366-A/34 of the Indian Penal
Code.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
26.03.2021, passed in Criminal Misc. No. 40243 of 2020, giving
liberty to the petitioner to renew his prayer for bail after one
year from the date of the order, if the trial does not show any



progress.

The allegation, as per the First Information Report, is that the petitioner abducted the minor daughter of the informant.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 25.11.2019. He further submits that the petitioner is the brother-in-law of the victim girl and there was love affair between them. He further submits that the petitioner is in custody since 07.06.2020.

This Court, vide order, dated 18.05.2022, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been furnished by learned 1st Additional Sessions Judge -cum- Special Judge, East Champaran, at Motihari, and from perusal of the same, it would be evident that only charges have been framed in the trial on 07.06.2022 and none of the witnesses have been examined as yet.

After having heard learned Counsel for the parties and taking into consideration the fact that there is tardy progress in the trial, the petitioner is in custody since 07.06.2020 and this is second attempt for regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, East Champaran, at Motihari, in connection with Sessions Trial No. 519 of 2021, arising out of Madhuban Police Station Case No. 278 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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