

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11804 of 2024

Arising Out of PS. Case No.-331 Year-2019 Thana- MEHSI District- East Champaran

Rajesh Rai @ Rajesh Kumar S/O RAM EKBAL RAY @ RAMEQBAL RAI
VILLAGE- BHIMALPUR, PS. MEHSI, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable u/s 363, 365 of the IPC.

3. Earlier, the prayer for bail of this petitioner was rejected
vide order dated 01.06.2021 passed in Cr. Misc. No.3724 of
2021 and his second bail application stood dismissed on account
of non-prosecution.

4. The petitioner has now filed this application for bail.

5. Vide order dated 16.02.2024, a report was called for,
regarding the stage of trial. In compliance thereof, a report sent
by learned Judicial Magistrate of First Class cum Additional
Munsif, Motihari, East Champaran, is kept at flag 'X', whereby
it is stated that charges on the accused persons were framed on



09.10.2023 and all the processes on witnesses have already been issued yet no witness has appeared on record. Lastly, the process of Dasti summons was issued on all the witnesses through learned APO on 02.03.2024. The trial of the aforesaid is likely to be concluded within 45 days.

6. It is submitted by learned counsel for the petitioner that the petitioner is languishing in judicial custody since 16.12.20219 and there is no likelihood of the trial to be concluded in the near future.

7. Considering the period of custody of the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mehsi P.S. Case No.331 of 2019, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

