IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75865 of 2026

CNR No. BRHC011103552026

Arising Out of PS. Case No.-130 Year-1995 Thana- DARIYAPUR District- Saran

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Durga Rai @ Duraga Rai S/o Late Hardeo Rai R/v- Kewatiya, P.S.- Dariapur, District- Saran at Chapra.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Ramchandra Sahni, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 28-10-2026 Heard the parties.

2. The petitioner seeks bail in connection with Dariyapur P.S. Case No. 130 of 1995 registered for the offence under Sections 324, 147, 148, 149, 150, 323, 307, 302 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in custody since 19.04.2026.

4. Mr. Vijay Kumar Sinha learned counsel appearing on behalf of the petitioner submitted that petitioner was on bail through Cr. Misc. No. 4934 of 1998 dated 08.05.1998 and subsequently he furnished his bail bond before ld. Trial court on 21.05.1998. It is pointed out

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that his bail bond was canceled by learned trial court on 25.02.2008 and process was initiated against petitioner on 19.05.2008, whereafter his trial alongwith one co-accused Malik Rai were separated vide order dated 04.06.2008.

5. In aforesaid background, it is pointed out that this petitioner not appears to misuse the privilege of bail for long 10 years. It is pointed out that when the accused person facing trial through session trial no. 70 of 1996 were convicted then appeal was preferred before Hon'ble High Court resultantly lower court's record was called for, as a result of which the progress of trial before learned trial court came to halt and for said confusion and lack of communication with advocate this petitioner who is a poor farmer failed to attend the court proceedings.

6. It is pointed out by Mr. Sinha learned counsel for the petitioner that non-appearance of petitioner before learned trial court was neither intentional not deliberate rather it was due to lack of proper communication and non-availability of record. It is further submitted that the petitioner at present is about 73 years old and is a sick

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person who remains in custody since 19.04.2026.

7. In view of aforesaid as it was first misuse of the petitioner for which he already remains in custody for more than 6 months i.e., since 19.04.2026, accordingly petitioner above named, is directed to be released on bail in connection with Dariyapur P.S. Case No. 130 of 1995 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ASJ II, Saran at Chapra /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS, subject to condition that:-

(i) That petitioner shall cooperate in the trial and shall remain physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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