

In The Court of Additional District & Sessions Judge – V
Vaishali at Hajipur.
S.Tr. No. - 220/1998

Bail Order

IA/02/2022

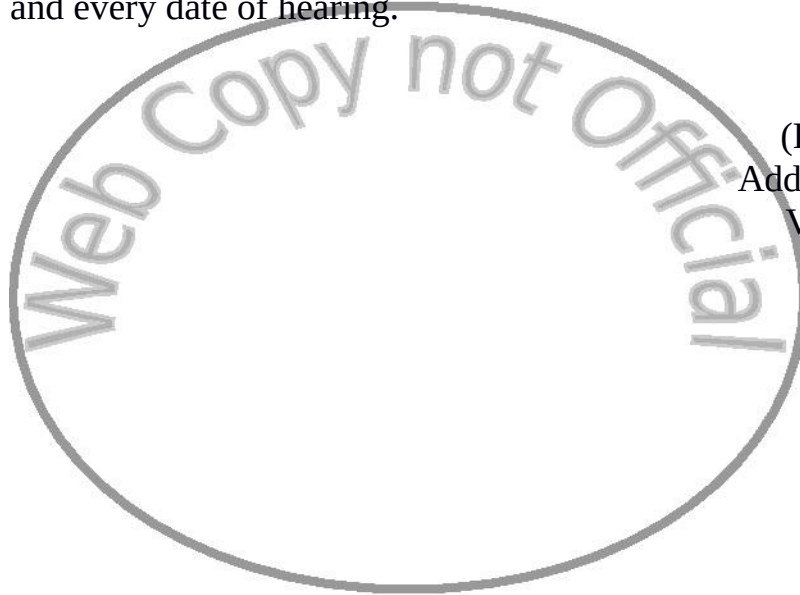
State V/S Ali Mohammad and others

- 20.06.2022** 1. The application u/s-439 Cr.P.C. filed on behalf of the accused Kamrul Mia, Sarkuddin Mia, Naimuddin Mia, Kimal alias Kayam Mia who are in custody since 14.06.2022. The copy of the same has been served to the learned A.P.P.
2. Learned counsel of the petitioner submitted that petitioner was on bail. The present case is running for the appearance of the petitioners. On 04.01.2021 bail bond of the petitioners have been canceled and order for non-bailable has been passed. In the instant case co-accused Oli Mohammad and Safi Mia died during trial of this case. Due to covid-19 no pairvi was made on behalf of the petitioner. The petitioner have not deliberately and intentionally misused the privileged of bail. Hence, the present petition for grant of bail.
3. Learned counsel for the state has opposed for grant of bail.
4. Heard the parties. All the accused person appeared through V.C. and charge has been framed. It is stated that they all one of old age and due to non- pairvi there appearance could not be made before the court on the date fixed. They undertake to remain present physically during trial and shall co-operate with the trial court. The petitioner absence was neither intentionally nor deliberately but due said reason. They are ready to furnish sound and reliable sureties before the court. There is no chance of absconding as they are having deep roots in the society. Looking at the stage of trial, it appears that examination of witness will take time, hence no propose will be solved by keeping them in custody. In view of custody period and material on record, the present bail petition of the petitioner is allowed.

Continue

20.06.2022

5. The petitioner may be released upon furnishing the bail bond of Rs 20,000/- with two sureties of like amount each to the satisfaction of the court. With further condition that the petitioner shall remain present on each and every date of hearing.



(Protima Parihar)
Addl. Sessions Judge-V
Vaishali at Hajipur
20.06.2022