

Court No. - 49

Criminal Misc. Bail Application No. 3 of 2019

IN

Case :- CRIMINAL APPEAL No. - 1800 of 1988

Appellant :- Khelawan And Others

Respondent :- State

Counsel for Appellant :- Ali Hasan, Jai Singh, Vijay Bahadur Yadav

Counsel for Respondent :- A.G.A.

Hon'ble Krishna Pratap Singh, J.

Heard Mr. learned counsel for the appellant No. 3, Rampati, and learned AGA for the State on the bail application.

This bail application has been moved on behalf of appellant No. 3, Rampati.

Pursuant to the order of this Court dated 13.11.2018, appellant No. 3 Rampati has been arrested and sent to jail on 18.12.2018.

Learned counsel for appellant No. 3 Rampati submits that this appeal was listed for the first time on 13.11.2018 after the year 1988. It is further submitted that earlier counsel had not appeared to argue the appeal, due to which non-bailable warrant has been issued against the appellants. In this appeal, appellant No. 3, Rampati was granted bail by this Court vide order dated 11.08.1988 and he has never misused the liberty of bail. The appellant No. 3, Rampati is in jail since 18.12.2018. Learned counsel for appellant No. 3, Rampati states that he is ready to argue the appeal as and when it is listed next.

In this view of the matter, let appellant No.3, **Rampati**, who has been arrested pursuant to the order of this Court dated 13.11.2018 be released on bail in Sessions Trial No. 179 of 1986 arising out of Case Crime No. 11 of 1984, under section 304(II) read with section 34 IPC, PS Sarpataha, District Jaunpur on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned.

On acceptance of bail bonds and personal bonds, the lower court shall transmit photostat copies thereof to this Court for being kept on record.

Perusal of the report of Chief Judicial Magistrate, Jaunpur dated 18.12.2018 shows that appellant No. 1 and 2, namely, Khelawan and Ram Bali are no more.

Appeal against appellant No. 1 and 2, namely, **Khelawan** and **Ram Bali** is dismissed as abated.

Lower court record has already been received.

List after six weeks for final hearing.

Order Date :- 18.2.2019

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