

Court No. - 49

Criminal Misc. Application No. 1 of 2019

IN

Case :- CRIMINAL APPEAL No. - 1856 of 1988

Appellant :- Jai Kumar Singh And Another

Respondent :- State

Counsel for Appellant :- Y Chandra, G.P. Singh

Counsel for Respondent :- A.G.A., Anand Kumar Singh, Suresh Chandra Gupta

Hon'ble Krishna Pratap Singh, J.

Case called out in the revised list.

Heard Mr. G.P. Singh, learned counsel for the appellant No. 2 and learned AGA for the State on the bail application.

Pursuant to the order of this Court dated 13.11.2018, appellant No. 2, Shree Prakash alias Prakash alias Jai Prakash Singh has been arrested on 20.12.2018 and sent to jail.

A bail application has been moved on behalf of appellant No. 2, against the order dated 13.11.2018, whereby non-bailable warrant has been issued against the appellant No. 2.

Learned counsel for the appellant No. 2 submits that this appeal was listed for the first time on 13.11.2018 after the year 1988. It is further submitted that Mr. G.N. Chandra, earlier counsel is no more and due to which no one had appeared to argue the appeal and as a result thereof non-bailable warrant was issued against the appellants. In this appeal, the appellant No. 2 was granted bail by this Court vide order dated 23.08.1988 and he has never misused the liberty of bail. The appellant No. 2 Shree Prakash alias Prakash alias Jai Prakash Singh is in jail since 20.12.2018. Learned counsel for the appellant No. 2 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. 2, **Shree Prakash alias Prakash alias Jai Prakash Singh**, who has been arrested pursuant to the order of this Court dated 13.11.2018 be released on bail in Sessions Trial No. 211 of 1987, under section 307 IPC, PS Vindhyachal, District Mirzapur 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.

Learned counsel for the appellant states that appellant No. 2, **Jai Kumar Singh** is no more.

The learned C.J.M. concerned is directed to submit a report with regard to living status of appellant No. 1, Jai Kumar Singh in the light of ***Circular Letters No.15/2005, VIII-119 April 19, 2005, and 04/admin G-II dated Allahabad 18.1.2017***, which provides that in the event of death of the appellant, same is to be authenticated by the statement of the informant or his legal heirs, if any, whose name and address may be ascertained from the L.C.R. which are available before the court below, failing which the Court may be constrained to take a serious view against the official in default.

Office to ensure communication of this order forthwith through registered post as well as through other speedier option available to the judgeship concerned for immediate compliance of the order.

Office report dated 07.03.2019 indicates that lower court record has not been received.

Office is directed to issue reminder to the District Judge concerned forthwith through registered post, FAX, email as well as through other speedier option available to the judgeship concerned for sending the lower court record.

List after eight weeks.

Order Date :- 8.3.2019

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