

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Cr.Misc. No.36746 of 2008  
SHAILESH RAI  
Versus

STATE OF BIHAR  
- - - -

2. 29.8.2008 Heard.

This order does not have anything to do with the merits of the earlier rejection order which is being passed in the special circumstance in which the petitioner finds placed on account of his wife suffering from some serious ailment. Indira Gandhi Institute of Heart Diseases, Patna, has referred Sunita Devi, the wife of the petitioner, for specialized treatment to All India Institute of Medical Sciences, New Delhi (AIIMS). That is clearly indicated by annexure-3, a ticket issued to the patient referring her to the above noted Institute in New Delhi. The prayer is that there is none to look after her and, as such, the petitioner may be released for a period of 15 days so that he could carry his wife to AIIMS and get her properly checked up so as to giving her appropriate treatment.

Considering the special circumstance, let the petitioner, Shailesh Rai, be released

on his furnishing a bond of Rs. 10,000/- ( ten thousand) with two sureties of the like amount each to the satisfaction of the Fast Track Court IV, Saran at Chapra in Sessions Trial No. 105 of 2007 arising out of Dariyaapur P.S.Case No. 33 of 2005. The bond shall be accepted provisionally for a limited period of 15 days from the date of release of the petitioner and the sureties who could be standing for the petitioner shall be his close relatives who shall swear their affidavits as also file their photographs with the bond. Any attempt by the petitioner to indulge in activity either of tampering in any manner or intimidating the witnesses could be sufficient for the court below itself to assume that this order is no longer in force and to take steps for remanding the petitioner to custody. The petitioner shall definitely surrender to the custody on the date directed by the lower court.

This petition is accordingly disposed of.

Kanth

( Dharnidhar Jha, J.)